DOCUMENT RESUME

ED 131 595 EA 008 923

TITLE	Laws and Resolutions Affecting Public Education Enacted by the 63rd Texas Legislature, Regular Session--1973.
INSTITUTION	Texas Education Agency, Austin.
REPORT NO	TEA-Bull-737
PUB DATE	Sep 73
NOTE	119p.
AVAILABLE FROM	Texas Education Agency, 201 East 11th Street, Austin, Texas 78701 ($1.50)
EDRS PRICE	MF-$0.83 HC-$6.01 Plus Postage.
DESCRIPTORS	Adult Education; Bilingual Education; Career Education; *Educational Legislation; Elementary Secondary Education; School Attendance Legislation; School Law; Shared Facilities; Special Education; State Aid; *State Legislation; Student Transportation; Teacher Certification
IDENTIFIERS	*Texas

ABSTRACT

This bulletin contains the laws and resolutions enacted by the 63rd legislature that pertain to public education in Texas. It is made available so that superintendents and boards of trustees may study the new statutes and the changes in existing statutes that may affect the operation of their school districts. (Author/IRT)

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LAWS and RESOLUTIONS affecting public education

Enacted by the 63rd Texas Legislature
Regular Session—1973

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Bulletin 737

TEXAS EDUCATION AGENCY
Austin, Texas **September 1973**

EA 008 923

FOREWORD

This bulletin contains the laws and resolutions enacted by the Sixty-third Legislature which pertain to public education in Texas. It is being made available in accordance with Section 11.52, Texas Education Code, so that superintendents and boards of trustees may study the new statutes and the changes in existing statutes which may affect the operation of their school districts.

This volume is a supplement to Bulletin 721, Texas Education Code. Legal information of a general nature pertaining to the operation of the public schools may be secured from these publications.

J. W. Edgar

Commissioner of Education

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Senate Bill No. 6
Arts. 7100 & 7336

TAXATION - PENALTIES FOR DELINQUENT TAXES - TAX CREDIT

Section 1. In any county, city, or district in which the tax assessor-collector fails to issue notices of the amount of the tax due before the first day of February of the year following the tax year, penalties for delinquent taxes shall be assessed as prescribed by Chapter 221, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 7100, Revised Civil Statutes of Texas, 1925), and Article 7336, Revised Civil Statutes of Texas, 1925, as amended.

Section 2. When determining the amount of the tax due for a tax year within two years immediately following the tax year for which the assessor-collector failed to issue timely notice, the assessor-collector shall allow a tax credit equal to the amount of the penalty assessed, provided that:

(1) the full amount of taxes owing and due was paid within 60 days after issuance of the tax notice by the assessor-collector and

(2) the property for which the credit is given is legally identical to the property on which the taxes and penalties were paid. "Legally identical" refers to property having the same legal description in terms of metes and bounds, lot and block number, or other description appearing on the tax notice, but does not refer to any change in the record owner of the property.

Section 3. This Act does not apply to any penalties accruing on taxes which became delinquent after January 31, 1973, or prior to January 31, 1970.

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: March 22, 1973

Senate Bill No. 60
Art. 4591

DESIGNATION OF LEGAL HOLIDAYS

Section 1. Article 4591, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 4591. ENUMERATION. The first day of January, the 19th day of January, the third Monday in February, the second day of March, the 21st day of April, the last Monday in May, the fourth day of July, the 27th day of August, the first Monday in September, the second Monday in October, the fourth Monday in October, the fourth Thursday in November, and the 25th day of December, of each year, and every day on which an election is held throughout the state, are declared legal holidays, on which all the public offices of the state may be closed and shall be considered and treated as Sunday for all purposes regarding the presenting for the payment or acceptance and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes placed by the law upon the footing of bills of exchange. The nineteenth day of January shall be known as 'Confederate Heroes Day' in honor of Jefferson Davis, Robert E. Lee and other Confederate heroes."

Section 2. This Act takes effect August 27, 1973.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force as provided by Section 4, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 67
Art. 7150

TAXATION - EXEMPTIONS - NONPROFIT CORPORATIONS - PROPERTY FOR MEDICAL CENTER DEVELOPMENT

Section 1. Article 7150, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 28 to read as follows:

"Section 28. All real and personal property owned by a nonprofit corporation, as defined in the Texas Nonprofit Corporation Act, and held for use in the development of a medical center area or areas in which the nonprofit corporation has donated land for a state medical, dental, or nursing school, or for other hospital, medical, and educational uses and uses reasonably related thereto, during the time remaining property is held for the development to completion of such medical center and not leased or otherwise used with a view to profit, shall be exempt from all ad valorem taxation as though such property were, during such time, owned and held by the State of Texas for such health and educational purposes."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 121
Education Code, Chapt. 21, Subchapt. L,
Secs. 21.451 - 21.460; Chapt. 11,
Subchapt. A, Sec. 11.17; Chapt. 12,
Subchapt. A, Sec. 12.04; Sec. 21.109

BILINGUAL EDUCATION PROGRAMS

Section 1. Chapter 21, Texas Education Code, is amended by adding Subchapter L to read as follows:

"SUBCHAPTER L. BILINGUAL EDUCATION

"Section 21.451. STATE POLICY. The legislature finds that there are large numbers of children in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The legislature believes that a compensatory program of bilingual education can meet the needs of these children and facilitate their integration into the regular school curriculum. Therefore, pursuant to the policy of the state to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this subchapter to provide for the establishment of bilingual education programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the programs.

"Section 21.452. DEFINITIONS. In this subchapter the following words have the indicated meanings:

"(1) 'Agency' means the Central Education Agency.

"(2) 'Board' means the governing board of a school district.

"(3) 'Children of limited English-spealing ability' means children whose native tongue is a language other than English and who have difficulty performing ordinary classwork in English.

"Section 21.453. ESTABLISHMENT OF BILINGUAL PROGRAMS.

"(a) The governing board of each school district shall determine not later than the first day of March, under regulations prescribed by the State Board of Education, the number of school-age children of limited English-speaking ability within the district and shall classify them according to the language in which they possess a primary speaking ability.

"(b) Beginning with the 1974-75 scholastic year, each school district which has an enrollment of 20 or more children of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year, and which does not have a program of bilingual instruction which accomplishes the state policy set out in Section 21.451 of this Act, shall institute a program of bilingual instruction for the children in each language classification commencing in the first grade, and shall increase the program by one grade each year until bilingual instruction is offered in each grade up to the sixth. The board may establish a program with respect to a language classification with less than 20 children.

"Section 21.454. PROGRAM CONTENT; METHOD OF INSTRUCTION.

"(a) The bilingual education program established by a school district shall be a full-time program of instruction (1) in all subjects required by law or by the school district, which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program, and in the English language; (2) in the comprehension, speaking, reading, and writing of the native language of the children of limited English-speaking ability who are enrolled in the program, and in the comprehension, speaking, reading, and writing of the English language; and (3) in the history and culture associated with the native language of the children of limited English-speaking ability who are enrolled in the program, and in the history and culture of the United States.

"(b) In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in regular classes provided in the subjects.

"(c) Elective courses included in the curriculum may be taught in a language other than English.

"(d) Each school district shall insure to children enrolled in the program a meaningful opportunity to participate fully with other children in all extracurricular activities.

"Section 21.455. ENROLLMENT OF CHILDREN IN PROGRAM.

"(a) Every school-age child of limited English-speaking ability residing within a school district required to provide a bilingual program for his classification shall be enrolled in the program for a period of three years or until he achieves a level of English language proficiency which will enable him to perform successfully in classes in which instruction is given only in English, whichever first occurs.

"(b) A child of limited English-speaking ability enrolled in a program of bilingual education may continue in that program for a period longer than three years with the approval of the school district and the child's parents or legal guardian.

"(c) No school district may transfer a child of limited English-speaking ability out of a program in bilingual education prior to his third year of enrollment in the program unless the parents of the child approve the transfer in writing, and unless the child has received a score on an examination which, in the determination of the agency, reflects a level of English language skills appropriate to his or her grade level. If later evidence suggests that a child who has been transferred is still handicapped by an inadequate command of English, he may be re-enrolled in the program for a length of time equal to that which remained at the time he was transferred.

"(d) No later than 10 days after the enrollment of a child in a program in bilingual education the school district shall notify the parents or legal guardian of the child that the child has been enrolled in the program. The notice shall be in writing in English, and in language of which the child of the parents possesses a primary speaking ability.

"Section 21.456. FACILITIES; CLASSES. (a) Programs in bilingual education, whenever possible, shall be located in the regular public schools of the district rather than in separate facilities.

"(b) Children enrolled in the program, whenever possible, shall be placed in classes with other children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district shall insure that the instruction given each child is appropriate to his or her level of educational attainment, and the district shall keep adequate records of the educational level and progress of each child enrolled in the program.

"(c) The maximum student-teacher ratio shall be set by the agency and shall reflect the special educational needs of children enrolled in programs of bilingual education.

"Section 21.457. COOPERATION AMONG DISTRICTS. (a) A school district may join with any other district or districts to provide the programs in bilingual education required or permitted by this subchapter. The availability of the programs shall be publicized throughout the affected districts.

"(b) A school district may allow a nonresident child of limited English-speaking ability to enroll in or attend its program in bilingual education, and the tuition for the child shall be paid by the district in which the child resides.

"Section 21.458. PRESCHOOL AND SUMMER SCHOOL PROGRAMS. A school district may establish on a full- or part-time basis preschool or summer school programs in bilingual education for children of limited English-speaking ability and may join with other districts in establishing the programs. The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year.

"Section 21.459. BILINGUAL EDUCATION TEACHERS. (a) The State Board of Education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking and reading ability in a language other than English in which bilingual education programs are offered and who meet the general requirements set out in Chapter 13 of this code.

"(b) The minimum monthly base pay and increments for teaching experience for a bilingual education teacher are the same as for a classroom teacher with an equivalent degree under the Texas State Public Education Compensation Plan. The minimum annual salary for a bilingual education teacher is the monthly base salary, plus increments, multiplied by 10, 11, or 12, as applicable.

"Section 21.460. ALLOTMENTS FOR OPERATIONAL EXPENSES AND TRANSPORTATION. (a) To each school district operating an approved bilingual education program there shall be allotted a special allowance in an amount to be determined by the agency for pupil evaluation, books, instructional media, and other supplies required for quality instruction.

"(b) The cost of transporting bilingual education students from one campus to another within a district or from a sending district to an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency shall be reimbursed based on the number or actual miles traveled times the district's official extracurricular travel per mile rate as set by their local board of trustees and approved by the Central Education Agency.

"(c) The Foundation School Fund Budget Committee shall consider all amounts required for the operation of bilingual education programs in estimating the funds needed for purposes of the Foundation School Program.

"(d) The cost of funding this Act shall, for fiscal years 1974 and 1975, be maintained at the level contained in House Bill 139, 63rd Legislature, Regular Session, 1973."

Section 2. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.17 to read as follows:

"Section 11.17. BILINGUAL EDUCATION TRAINING INSTITUTES. (a) The Central Education Agency shall conduct bilingual education training institutes.

"(b) The agency shall make rules and regulations governing the conduct of and participation in the institutes.

"(c) Professional and paraprofessional public school personnel who participate in the bilingual education training institutes shall be reimbursed for expenses incurred as a result of their participation in accordance with rules and regulations adopted by the agency."

Section 3. Subchapter A, Chapter 12, Texas Education Code, is amended by adding Section 12.04 to read as follows:

"Section 12.04. BILINGUAL EDUCATION TEXTBOOKS. (a) The State Board of Education shall acquire, purchase, and contract for, with bids, subject to rules and regulations adopted by the board, free textbooks and supporting media for use in bilingual education programs conducted in the public school systems of this state.

"(b) The textbooks and supporting media shall be paid for out of the textbook fund and shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations."

Section 4. Section 21.109, Texas Education Code, is amended to read as follows:

"Section 21.109. LANGUAGE OF INSTRUCTION. (a) English shall be the basic language of instruction in all schools.

"(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged.

Section 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 123

RIGHTS OF PERSONS 18 YEARS OLD

Section 1. The purpose of this Act is to extend all the rights, privileges, and obligations of majority to all persons who are at least 18 years of age. It shall be contrued liberally to accomplish that purpose.

Section 2. Notwithstanding any statutory or decisional law, or any rule, regulation, or ordinance of this state or of any political subdivision or incorporated city or town of this state, a person who is at least 18 years of age has all the rights, privileges, and obligations of a person who is 21 years of age. A law, rule, regulation, or ordinance which extends a right, privilege, or obligation to a person on the basis of a minimum age of 21, 20, or 19 years shall be interpreted as prescribing a minimum age of 18 years.

It is specifically provided, however, that with respect to property held by a custodian under the Texas Uniform Gifts to Minors Act, as amended (Article 5923-101, Vernon's Texas Civil Statutes), on effective date hereof and the proceeds and reinvestments thereof, the custodian may elect not to have the provisions of this Act apply by so notifying the minor in writing, but such election may be revoked at the election of the custodian.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 162
Education Code, Sec. 11.10, Subsec. (b)

EDUCATION CODE - DAY SCHOOLS FOR DEAF - CONTIGUOUS COUNTIES OVER 140,000

Section 1. Subsection (b), Section 11.10, Texas Education Code, is amended to read as follows:

"(b) The provisions of this section may apply to any two contiguous counties whose cumulative population exceeds 140,000 but does not exceed 335,000, according to the last preceding federal census, provided that such two-county day schools shall be administered by one school district designated by the Central Education Agency."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 283
Art. 8306, Secs. 2, 7, 7a, 8, 10, 11, 12, 29; Art. 8307, Sec. 6a; Art. 8308, Sec. 18a; Art. 8309, Secs. 1a, 3b; Art. 8309b; Art. 8309d; Art. 8309f; Art. 6674s; Art. 8309g; Art. 8309h; Art. 8309c; Art. 8309c-1; Art. 8309d; Art. 8309e-1; Art. 8309e-2

WORKMEN'S COMPENSATION - BENEFITS - PRIVATE AND GOVERNMENTAL EMPLOYEES

Section 1. Section 2. Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 2. The provisions of this law shall not apply to actions to recover damages for personal injuries nor for death resulting from personal injuries sustained by domestic servants or casual employees engaged in employment incidental to a personal residence, farm laborers, ranch laborers, nor to the employees of any person, firm or corporation operating any steam, electric, street, or interurban railway as a common carrier."

Section 2. Section 7. Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7. The employee shall have the sole right to select or choose the persons or facilities to furnish medical aid, chiropractic services, hospital services, and nursing and the association shall be obligated for same or, alternatively, at the employee's option, the association shall furnish such medical aid, hospital services, nursing, chiropractic services, and medicines as may reasonably be required at the time of the injury and at any time thereafter to cure and relieve from the effects naturally resulting from the injury. Such treatment shall include treatments necessary to physical rehabilitation, including proper fitting and training in the use of prosthetic appliances, for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligation of the association to be responsible for hospital services as herein provided shall not be held to include any obligation on the part of the association to pay for medical, nursing or surgical services not ordinarily provided by hospitals as a part of their services.

"Upon receipt thereof, the Board shall promptly analyze each notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Rehabilitation Commission and the Board immediately shall notify said Commission of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain

general supervision of treatment of the injured employee and, should the employee request it, the Board shall consult with a physician or chiropractor specially trained in such treatment. The Board shall co-operate with said Texas Rehabilitation Commission with reference to the work of said Commission in providing said services and facilities to injured employees covered under the provisions of this law.

"Provided that any physician or chiropractor rendering medical or chiropractic care to any injured workman shall render an initial report as soon as practical identifying the injured workman and stating the nature and extent of the injury and thereafter shall render subsequent reports reasonably necessary to keep the status of the claimant's condition known. The reports are to be made to the Industrial Accident Board, the association, and the injured workman. The failure of the physician or chiropractor to make such reports shall relieve the association and the injured workman from any obligation to pay for the services rendered by the physician or chiropractor."

Section 3. Section 7a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7a. If it be shown that the employee is receiving medical aid, hospital services, chiropractic services, and medicines provided for by Section 7 hereof in such manner that there is reasonable ground for believing that the life, health or recovery of the employee is being endangered or impaired thereby, the Board may order a change in the physician, chiropractor or other requirements of said section after holding a hearing on the change. If the employee fails promptly to comply with such order after receiving it, the Board may relieve the association from its responsibility to pay for or alternatively furnish medical aid, hospital services, chiropractic services, and medicines until such time as the employee complies with the order of the Board."

Section 4. Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 8. (a) If death results from the injury, the association shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty-six and two-thirds per cent (66-2/3%) of the employee's average weekly wage, but not less than the minimum weekly benefit nor more than the maximum weekly benefit set forth in Section 29 of this article.

"(b) The weekly benefits payable to the widow or widower of a deceased employee shall be continued until the death or remarriage of the beneficiary. In the event of remarriage a lump sum payment equal in amount to the benefits due for a period of two (2) years shall be paid to the widow or widower. The weekly benefits payable to a child shall be continued until the child reaches eighteen (18) years of age, or beyond such age if actually dependent, or until twenty-five (25) years of age if enrolled as a full-time student in any accredited educational institution. All other legal beneficiaries are entitled to weekly benefits for a period of three hundred and sixty (360) weeks.

"(c) Upon the termination of the eligibility of any child to receive benefits, the portion of compensation paid to such child shall thereafter be

paid to any remaining child or children entitled to benefits under the provisions of this Act. If there is no other eligible child then such benefits shall be added to those being paid to the surviving spouse entitled to receive benefits under the provisions of this Act.

"(d) The benefits payable to a widow, widower, or children under this section shall not be paid in a lump sum except in events of remarriage or in case of bona fide disputes as to the liability of the association for the death. Any settlement of a disputed case shall be approved by the board or court only upon an express finding that a bona fide dispute exists as to such liability.

"Upon settlement of all cases where the carrier admits liability for the death but a dispute exists as to the proper beneficiary or beneficiaries, the settlement shall be paid in periodic payments as provided by the law, with a reasonable attorney's fee not to exceed twenty-five per cent (25%) of the settlement. The attorney's fee shall be paid periodically and not in a lump sum."

Section 5. Section 10, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent (66-2/3%) of his average weekly wages, but not more than the maximum weekly benefit nor less than the minimum weekly benefit set forth in Section 29 of this article, and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of injury."

Section 6. Section 11, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than the maximum weekly benefit set forth in Section 29 of this article. The period covered by such compensation shall be in no case greater than three hundred (300) weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one (401) weeks from the date of injury. Compensation for all partial incapacity resulting from a general injury shall be computed in the manner provided in this Section, and shall not be computed on a basis of a percentage of disability."

Section 7. Section 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12. For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty-six and two-thirds per cent (66-2/3%) of the average

weekly wages of such employee, but not less than the minimum weekly benefit per week nor exceeding the maximum weekly benefit set forth in Section 29 of this article, for the respective periods stated herein, to wit:

"For the loss of a thumb, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during sixty (60) weeks.

"For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds per cent of the average weekly wages during forty-five (45) weeks.

"For the loss of a second finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during thirty (30) weeks.

"For the loss of a third finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during twenty-one (21) weeks.

"For the loss of a fourth finger, commonly known as the little finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during fifteen (15) weeks.

"The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half (1/2) of such thumb; the loss of more than one-half (1/2) of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third (1/3) of such finger.

"The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger, provided that in no case shall the amount received for the loss of a thumb and more than one (1) finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

"For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or fingers above, add ten (10) weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one (1) hand be more than for the loss of the hand.

"For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

"For the loss of a hand, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during one hundred and fifty (150) weeks.

"For the loss of an arm at or above the elbow, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during two hundred (200) weeks.

"For the loss of one (1) of the toes other than the great toe, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during ten (10) weeks.

"For the loss of the great tow, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during thirty (30) weeks.

"The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half (1/2) of the toe.

"For the loss of a foot, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred and twenty-five (125) weeks.

"For the loss of a leg, at or above the knee, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during two hundred (200) weeks.

"For the total and permanent loss of the sight of one (1) eye, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred (100) weeks.

"In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

"For the complete and permanent loss of the hearing in both ears, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred and fifty (150) weeks.

"For the loss of an eye and leg above the knee, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and an arm above the elbow, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and a hand, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and twenty-five (325) weeks.

"For the loss of an eye and a foot, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred (300) weeks.

"Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this Section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one (1) member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

"In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw

the same compensation as the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

"In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of the injury. The compensation paid therefor shall be calculated by first determining a basic figure amounting to sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages of the employee, but which basic figure shall not exceed the maximum weekly benefit set forth in Section 29 of this article; such basic figure shall then be multiplied by the percentage of incapacity caused by the injury, and the result shall be the weekly compensation which shall be paid for such period not exceeding three hundred (300) weeks as the Board may determine. Whenever the weekly payments under this paragraph would be less than Three Dollars ($3) per week, the period may be shortened, and the payments correspondingly increased by the Board."

"Section 8. Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 29 to read as follows:

"Section 29. (a) After August 31, 1973, and before September 1, 1974, the maximum weekly benefit shall be Sixty-three Dollars ($63) and the minimum weekly benefit shall be Fifteen Dollars ($15).

"(b) After August 31, 1974, the maximum weekly benefit shall be Seventy Dollars ($70) and the minimum weekly benefit shall be Sixteen Dollars ($16).

"(c) If the annual average of the manufacturing production workers average weekly wage in Texas exceeds by Ten Dollars ($10) the average weekly wage for those workers in 1974 as determined by the Texas Employment Commission and published in its report, 'The Average Weekly Wage,' the maximum weekly benefit shall be increased by Seven Dollars ($7) and the minimum weekly benefit shall be increased by One Dollar ($1) above the amounts specified in Subsection (b) of this section beginning with the commencement of the state fiscal year following the publication of the report. Thereafter, each additional Ten Dollar ($10) increase in the average weekly wage for manufacturing production workers in Texas as annually determined and reported by the Texas Employment Commission shall increase the maximum weekly benefit by an additional Seven Dollars ($7) and the minimum weekly benefit by an additional One Dollar ($1) beginning with the commencement of the state fiscal year following the publication of the report."

Section 9. The Insurance Code, as amended, is amended by adding Article 5.76-1 to read as follows:

"Article 5.76-1. ACCIDENT PREVENTION SERVICES

"(a) Any insurer desiring to write workmen's compensation insurance in Texas shall maintain or provide accident prevention facilities as a prerequisite

for a license to write such insurance. Such facilities shall be adequate to furnish accident prevention services required by the nature of its policyholder's operations and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene and industrial health services, to implement the program of accident prevention services. Each field safety representative shall be either a college graduate who shall have a bachelor's degree in science or engineering, a registered professional engineer, a certified safety professional, a certified industrial hygienist, an individual with ten (10) years experience in occupational safety and health, or an individual who shall have completed a course of training in accident prevention services approved by the State Board of Insurance.

"(b) The insurer shall render accident prevention services to its policyholders reasonably commensurate with the risks and exposures and experience of the subscriber's business. To provide such facilities, the insuror may employ qualified personnel, retain qualified independent contractors, contract with the policyholder to provide qualified accident prevention personnel and services, or use a combination of the methods enumerated in this subsection. Such personnel shall have the qualification required for field safety representatives as provided in Subsection (a).

"(c) If the Commissioner of Insurance shall determine that reasonable accident prevention services are not being maintained or provided by the insuror or are not being used by the insuror in a reasonable manner to prevent injury to employees of its policyholders, the fact shall be reported to the State Board of Insurance, and the Board shall order a hearing to determine if the insuror is not in compliance with this Article. If it is determined that the insuror is not in compliance, its license to write workmen's compensation insurance in Texas shall be revoked.

"(d) The State Board of Insurance may promulgate reasonable rules and regulations for the enforcement of this Article after holding a public hearing on the proposed rules and regulations."

Section 10. Section 6a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 6a. Where the injury for which compensation is payable under this law was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may proceed either at law against that person to recover damages or against the association for compensation under this law, and if he proceeds at law against the person other than the subscriber, then he shall not be held to have waived his rights to compensation under this law. If the claimant is a beneficiary under the death benefits provisions of Section 8a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, a judgment shall not constitute an election but the amount of such recovery shall first pay costs and attorney's fees and then reimburse the association, and if there be any excess it shall be paid to the beneficiaries in the same ratio as they received death benefits and the association shall suspend further payments of benefits until the suspended benefits shall equal the amount of such excess at which time benefits shall be resumed. If compensation be

claimed under this law by the injured employee or his legal beneficiaries, then the association shall be subrogated to the rights of the injured employee, and may enforce in the name of the injured employee or of his legal beneficiaries the liability of said other person, and in case the recovery is for a sum greater than that paid or assumed by the association to the employee or his legal beneficiaries, then out of the sum so recovered the association shall reimburse itself and pay said costs and the excess so recovered shall be paid to the injured employee or his beneficiaries. However, when the claimant is represented by an attorney, and the association's interest is not actively represented by an attorney, the association shall pay such fee to the claimant's attorney not to exceed one-third (1/3) of said subrogation recovery or as may have been agreed upon between the claimant's attorney and the association or in the absence of such agreement the court shall allow a reasonable attorney's fee to the claimant's attorney for recovery of the association's interest which in no case shall exceed thirty-three and one-third per cent (33-1/3%) payable out of the association's part of the recovery. In any case where the claimant's attorney is also representing the subrogated association, a full written disclosure must be made to the claimant, prior to actual employment by the association as an attorney, and acknowledged by the claimant, and a signed copy of the same furnished to all concerned parties and made a part of the file in the Industrial Accident Board. A copy of the disclosure with authorization and consent, shall also be filed with the claimant's pleadings prior to any judgment entered and approved by the court. Unless the claimant's attorney complies with all of the requirements as prescribed in this section, the attorney shall not be entitled to receive any of the fees prescribed in this section to which he would be entitled pursuant to an agreement with the association.

"If the association obtains an attorney to actively represent its interest and if the attorney actively participates in obtaining a recovery, the court shall award and apportion an attorney's fee allowable out of the association's subrogation recovery between such attorneys taking into account the benefit accruing to the association as a result of each attorney's service, the aggregate of such fees not to exceed thirty-three and one-third per cent (33-1/3%) of the subrogated interest.

"If at the conclusion of a third party action a workmen's compensation beneficiary is entitled to compensation, the net amount recovered by such beneficiary from the third party action shall be applied to reimburse the association for past benefits and medical expenses paid and any amount in excess of past benefits and medical expenses shall be treated as an advance against future benefit payments of compensation to which the beneficiary is entitled to receive under the Act. When the advance is adequate to cover all future compensation and medical benefit payments as provided by this law, no further payments shall be made by the association but if insufficient, the association shall resume such payments when the advance is exhausted. The reasonable and necessary medical expenses incurred by the claimant on account of the injury shall be deducted from the advance in the same manner as benefit payments."

Section 11. Section 1a, Article 8309, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 1a. Notwithstanding any other provision of this law, a subscriber may cover in its insurance contract a partner, a sole proprietor, or a corporate executive officer, except an officer of a state educational institution. The insurance contract shall specifically include the partner, sole proprietor, or corporate executive officer; and the elected coverage shall continue while the policy is in effect and while the named individual is employed by a subscriber."

Section 12. Subdivision 2, Section 2, Chapter 229, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person employed in the service of any institution as defined above, whose name appears on the payroll thereof."

Section 13. Subdivision 2, Section 2, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person in the service of the University of Texas System under any appointment or expressed contract of hire, oral or written, whose name appears upon the payroll of the University of Texas System."

Section 14. Subdivision 2, Section 2, Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8309f, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person in the service of Texas Tech University under any appointment or expressed contract of hire, oral or written, whose name appears upon the payroll of the university."

Section 15. Subdivision 2, Section 2, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Employee' shall mean every person in the service of the State Highway Department under any appointment or expressed contract of hire, oral or written, whose name appears upon the payroll of the State Highway Department."

Section 16. The Revised Civil Statutes of Texas, 1925, as amended, are amended by adding Article 8309g to read as follows:

"Article 8309g. WORKMAN'S COMPENSATION INSURANCE FOR STATE EMPLOYEES

"Section 1. DEFINITIONS. In this article:

"(1) 'Employee' means a person in the service of the state under an appointment or express contract of hire, oral or written, whose compensation is paid by warrant issued by the Comptroller, except a person employed by the State Highway Department or by an institution of higher education subject to a separate workman's comepnsation law.

"(2) 'Legal beneficiaries,' 'average weekly wages,' and 'injury sustained in the course of employment' have the meaning assigned to them in Section 1, Article 8309, Revised Civil Statutes of Texas, 1925, as amended.

"(3) 'Board' means the Industrial Accident Board.

"(4) 'Division' means the State Employees Division of the Attorney General's Office.

"(5) 'Director' means the director of the State Employees Division.

"Section 2. STATE SELF-INSURING. With respect to injuries sustained by employees in the course of their employment, the state is self-insuring.

"Section 3. STATE EMPLOYEES DIVISION; DIRECTOR. The Attorney General shall establish a state employees division within his office to administer this article. He shall appoint a director to act as the chief executive and administrative offices of the division, and shall provide him with office space. and sufficient personnel to administer this article. The director shall administer this article with money appropriated by the legislature.

"Section 4. DIRECTOR'S STANDING AS EMPLOYER AND INSURER. In administrating and enforcing this article, the director shall act in the capacity of employer and insurer. He shall act as an adversary before the board and courts, presenting the legal defenses and positions of the state as an employer and insurer. For these purposes he is entitled to the legal counsel of the Attorney General of the State of Texas.

"Section 5. PROCEDURAL RULES. The director shall make procedural rules and prescribe forms necessary to the effective administration of this article.

"Section 6. RULES FOR ACCIDENT PREVENTION. The director shall make and enforce reasonable rules for the prevention of accidents and injuries. He shall hold hearings on all proposed rules under this section and afford reasonable opportunity for officers of the departments, boards, commissions, and agencies of the state to testify.

"Section 7. DISTRIBUTION OF COPIES OF RULES. The director shall furnish copies of all rules to the board and to the administrative heads of all departments, boards, commissions, and agencies affected by this article.

"Section 8. RECORDS AND REPORTS OF INJURIES. The director shall keep a record of all injuries sustained by employees in the course of their employment. Within eight days after the occurrence of an accident resulting in an injury to an employee, causing his absence from work for more than one day, the director shall make a written report to the board on a form provided by the board. He shall submit a supplemental report within 10 days after the termination of the incapacity of the employee. If the incapacity extends beyond a period of 60 days, he shall submit a supplemental report before the 70th day. The director shall make other reports as required by the board.

"Section 9. REPORTS TO LEGISLATURE. The director shall make a report to the legislature at the beginning of each regular session. The report shall be dated January 1 and shall include the following:

"(1) a list of all recipients of benefits under this article, the nature and causes of their injuries, and the amounts paid in weekly compensation and for medical, hospital, and other services.

"(2) a summary of administrative expenses;

"(3) a statement showing how much of the money appropriated by the preceding legislature remains unexpended as of January 1, and estimating how much of this balance will be needed to administer this article for the remainder of the fiscal year;

"(4) an estimate, based on experience factors, of the amount of money which will be required to administer this article and pay for the compensation and services provided by this article during the next succeeding biennium.

"Section 10. DIRECTOR SUBJECT TO ACTIONS OF BOARD. The director is subject to the regulations, orders, and decisions of the board in the same manner as private employers, insurers, and associations.

"Section 11. RIGHT TO COMPENSATION. (a) If an employee sustains an injury in the course of his employment, he is entitled to compensation by the director as provided in this article.

"(b) The director shall pay the compensation directly to the person entitled to it, from week to week and as it accrues, unless the liability is redeemed as provided in this article.

"Section 12. EFFECT OF SICK LEAVE. (a) An employee is not entitled to weekly payments of compensation under this article until he has exhausted his accrued sick leave.

"(b) The director has authority under Section 5 of this article to provide rules for the administration of this section.

"Section 13. BENEFICIARIES OF DECEASED EMPLOYEE. The provisions of this article and the rules of the director affecting an employee also apply to the legal beneficiaries of a deceased employee.

"Section 14. NOTICE BY CLERK ON APPEAL. (a) In every case appealed from the board to a district or county court, the clerk of the court shall within 20 days after the filing of the suit mail to the board a notice giving the style, number, and date of filing; and within 20 days after judgment is rendered in the suit, the clerk shall mail to the board a certified copy of the judgment. District and county clerks are not entitled to a fee for this service.

"(b) The attorney preparing the judgment shall file the original and a copy with the clerk of the court. However, the failure of the attorney to

comply with this requirement does not excuse the clerk of the court from the duty to mail a certified copy of the judgment to the board.

"(c) Any clerk of a county or district court who fails to comply with this section is guilty of a misdemeanor, and on conviction he shall be punished by a fine of not more than $250.

"Section 15. ADOPTION OF GENERAL WORKMEN'S COMPENSATION LAWS. (a) All laws adopted and made part of the workmen's compensation law applicable to the State Highway Department by Section 7, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes), are adopted as part of this article to the extent that they are consistent with this article.

"(b) Wherever the words 'association,' 'insurer,' 'subscriber,' or 'employer' are used in the adopted laws, the word 'state,' 'division' or 'director,' whichever is applicable, is substituted for the purposes of this article.

"Section 16. ENTITLEMENT TO BENEFITS. An employee is not entitled to benefits under this article unless the accident causing his injury occurs at least 90 days after the effective date of this article."

Section 17. The Revised Civil Statutes of Texas, 1925, as amended, are amended by adding Article 8309h to read as follows:

"Article 8309h. WORKMAN'S COMPENSATION INSURANCE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS

"Section 1. The following words and phrases as used in this article shall unless a different meaning is plainly required by the context, have the following meanings, respectively:

"(1) 'Political subdivision' means a county, home-rule city, a city, town, or village organized under the general laws of this state, a special district, a school district, a junior college district, or any other legally constituted political subdivision of the state.

"(2) 'Employee' means every person in the service of a political subdivision who has been appointed in accordance with the provisions of the article. No person in the service of a political subdivision who is paid on a piecework basis or on a basis other than by the hour, day, week, month, or year shall be considered an employee and entitled to compensation under the terms of the provisions of this article.

"(3) 'Board' means the Industrial Accident Board.

"Section 2. (a) All political subdivisions of this state shall become either self-insurers, provide insurance under workmen's compensation insurance contracts or policies, or enter into interlocal agreements with other political subdivisions providing for self-insurance, extending workmen's compensation benefits to their employees.

"(b) Subsection (a) of this section and Sections 1 and 4, Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as may hereafter be amended, shall not apply to political subdivisions having an annual budget within the amounts indicated below, until the effective date shown for such budget bracket:

Budget Bracket	Effective Date
$0 to $250,000	June 30, 1977
$250,001 to $500,000	June 30, 1976
$500,001 to $750,000	June 30, 1975

"(c) Each political subdivision shall notify the board stating the method by which their employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll.

"(d) Notice shall also be given to the employees of a political subdivision of the provision so made for benefits and the effective date thereof; and employees of a political subdivision shall be conclusively deemed to have accepted the compensation provisions in lieu of common-law or statutory liability or cause of action, if any, for injuries received in the course of employment or death resulting from injuries so received.

"(e) In cities, towns, or villages in which a public utility or utilities is operated by a board of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes of Texas, 1925, or any similar law, such board of trustees shall have all of the powers and authority of the governing body of the city with reference to the adoption of a program of self-insurance under this article or in the taking out of a policy or policies of workmen's compensation insurance hereunder, and all funds set aside or expended for such purposes shall be considered operating expenses of the municipal utilities. All funds set aside or paid by such boards of trustees in connection with self-insurance or for premiums on policies of insurance shall be paid out of the revenues of the utilities operated by the board of trustees and neither the provisions for self-insurance nor the obligations incurred under insurance policies shall be general liabilities of the city, town, or village, but shall constitute only obligations payable out of the revenues. The boards of trustees shall be authorized to adopt all resolutions, give all notices and to do all things concerning workmen's compensation under this article with reference to employees employed by the boards of trustees which the governing body of the city, town, or village would be authorized to do with reference to other city employees, or groups of employees.

"Section 3. (a) The following laws as amended or as they may hereafter be amended are adopted except to the extent that they are inconsistent with this article:

"(1) Sections 1, 3, 3a, 3b, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 9, 10, 11, 11a, 12, 12a, 12b, 12c, 12c-1, 12c-2, 12d, 12e, 12f, 12g, 12h, 12i, 13, 14, 15, 15a, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of Article 8306, Revised Civil Statues of Texas, 1925, as amended;

"(2) Section 1, Chapter 248, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Vernon's Texas Civil Statutes);

"(3) Sections 4a, 6a, 11, 12, 13 and 14 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended;

"(4) Article 8307b, Revised Civil Statutes of Texas, 1925, as added by Section 2, Chapter 261, Acts of the 45th Legislature, Regular Session, 1937;

"(5) Sections 1, 4 and 5, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and

"(6) Section 7, Chapter 172, Acts of the 53rd Legislature, Regular Session, 1953 (Article 8309a, Vernon's Texas Civil Statutes).

"(b) Provided that whenever in the above adopted sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, 1925, as amended the words 'association,' 'subscriber,' or 'employer,' or their equivalents appear in such articles, they shall be contrued to and shall mean 'political subdivision.'

"Section 4. A joint fund, as herein provided for, may be established by the concurrence of any two or more political subdivisions. The fund may be operated under the rules, regulations, and bylaws as established by the political subdivisions which desire to participate therein. Each political subdivision shall be and is hereby empowered to pay into said fund its proportionate part as due and to contract for the fund, by and through its directors, to make the payments due hereunder to the employees of the contracting political subdivision.

"Section 5. It is the purpose of this article that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein.

"Section 6. The political subdivision is authorized to promulgate and publish rules and regulations and to prescribe and furnish forms as may be necessary to the effective administration of this article, and the political subdivision shall have authority to make and enforce rules for the prevention of accidents and injuries as may be deemed necessary.

"Section 7. (a) The political subdivision is hereby authorized to set aside from available appropriations, other than itemized salary appropriations, an amount sufficient for the payment of all costs, administrative expenses, charges, benefits, insurance, attorney fees, and awards authorized by this article.

"(b) The amount so set aside shall be set up in a separate account in the records of the political subdivision, which account shall show the disbursements authorized by this article. A statement of the amount set aside for the disbursements from the account shall be included in an annual report made to the political subdivision treasurer and the duly and legally constituted governing body of the political subdivision.

"Section 8. The political subdivision attorney, his assistants, or outside counsel may represent the political subdivision in the bringing of defense or suits and proceedings in connection with workmen's compensation benefits provided by the political subdivision as a self-insurer, except in cases where municipal utilities are operated by boards of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes of Texas, 1925, and similar statutes, and in such instances the regularly employed attorneys or outside counsel for the boards of trustees shall represent the city in all cases and proceedings involving workmen's compensation for the employees employed under the jurisdiction of the boards of trustees and for whom benefits have been provided by the board of trustees on a self-insurer basis."

Section 18. The following laws are repealed: Chapter 428, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 8309c, Vernon's Texas Civil Statutes); Chapter 716, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 8309c-1, Vernon's Texas Civil Statutes); Section 14, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes); Chapter 493, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8309e-1, Vernon's Texas Civil Statutes); Chapter 22, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 8309e-2, Vernon's Texas Civil Statutes).

Section 19. Section 18a, Article 8308, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 18a. Whenever any employer of labor in this State becomes a subscriber to this law, he or the insurance company shall immediately notify the Board of such fact, stating in such notice his name, place of business, character of the business, approximate number of employees, estimated amount of his payroll and the name of the insurance company carrying his insurance, the date of issuing the policy and the date when the same will expire, and whenever any policy is renewed that fact shall be immediately made known to the Board and the notice thereof shall contain the above facts. Such subscriber's notice shall be acknowledged by the insurance company. The Board is authorized and directed to collect a Seven Dollar and Fifty Cent ($7.50) filing fee from the subscriber (including self-insurers) at the time of filing for each year of coverage or portion thereof on each legal entity on all policies including renewals and endorsements required to be filed with the Board in accordance with this Section. Said fee to be made payable to the Industrial Accident Board by the employer at the time of filing and shall not be an expense of the association nor considered in any premium rate making procedure. The association shall transmit said fee to the Board. The fees collected hereunder shall be allocated and disbursed according to the terms and provisions of Section 28, Article 8306, Revised Civil Statutes of Texas, The Workmen's Compensation Fund. Any employer or association willfully failing or refusing to make any such report shall be liable for and shall pay to the State of Texas a penalty of not more than one thousand dollars for each offense. The Executive Director of the Board shall notify the Board of any willful failure or refusal to comply with this Section and after notice and hearing, the Board shall make a finding and if said finding is against the employer or association assess a penalty not to exceed one thousand dollars. The employer or

association may appeal the Board's ruling de novo as provided in Section 5, Article 8307, Revised Civil Statutes of Texas, 1925, as amended. The Board's ruling if adverse to the employer or association and not appealed as provided above shall be enforced as provided in Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended."

Section 20. Section 3b, Article 8309, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Section 3b. No inchoate, vested, matured, existing or other rights, remedies, powers, duties or authority, either of any employee or legal beneficiary, or of the board, or of the association, or of any other person shall be in any way affected by any of the amendments herein made to the original law hereby amended, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments hereby adopted had never been made, and to that end it is hereby declared that said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties and authority; and further this law in so far as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment. The maximum weekly benefit and the total amount payable in effect upon the date of injury shall remain the applicable maximum weekly benefit and total amount payable for the injury or death regardless of the increase of any benefits that shall take effect at any later date."

Section 21. Section 1 of this Act takes effect January 1, 1974; Section 16 takes effect on the first day that money becomes available for its administration, pursuant to legislative appropriation; and Sections 17 and 18 of this Act take effect July 1, 1974. All other sections of this Act take effect September 1, 1973.

Section 22. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 23. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Effective: August 15, 1973

EDUCATION CODE - INDEPENDENT SCHOOL DISTRICTS - INCENTIVE AID PAYMENTS - CONTIGUOUS DISTRICTS

Section 1. Section 23.999, Texas Education Code, is amended to read as follows:

"Section 23.999. CONSOLIDATION OF COUNTY-LINE DISTRICTS.

"(a) Hereafter, where two or more contiguous county-line independent school districts, each of which is an accredited 12-grade independent school district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law.

"(b) Hereafter, where two contiguous independent school districts, each of which is an accredited 12-grade independent school district and only one of which is a county-line district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to the approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law."

Section 2. The importance of this legislation toward the encouragement of consolidation of small independent school districts in county-line district situations and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 11, 1973

Senate Bill No. 352
Education Code, Sec. 3.23; Sec. 3.25;
Sec. 3.31; Sec. 3.34; Sec. 3.36;
Sec. 3.38; Sec. 3.39; Sec. 3.55

TEACHER RETIREMENT SYSTEM - SERVICE CREDITS - RETIREMENT AND DEATH BENEFITS - MEDICARE - INTEREST ACCOUNT

Section 1. Section 3.23 of the Texas Education Code is amended by adding Subsection (d) to read as follows:

"(d) Any member who performed one or more years of service as educational adviser in the Civilian Conservation Corps shall be permitted to de-

posit to his individual account in the member savings account for each year of service as an educational adviser, but not to exceed five years, an amount equal to his deposits made with the Retirement System during the first full year of service as a teacher or auxiliary employee after becoming a member of the Retirement System. He shall then be entitled to one year of membership service credit for each year of educational adviser duty."

Section 2. Section 3.25 of the Texas Education Code is amended by changing the enumeration of Subsection (c) to Subsection (d) and adding a new Subsection (c) to read as follows:

"(c) Any person who terminates or has terminated membership in the retirement system by retiring under the provisions of Section 3.31 of this chapter shall have the privilege of reinstating such terminated membership by rendering service for five consecutive years and depositing both an amount equal to service retirement benefits received plus a reinstatement fee of two and one-half percent per annum from the date of his return to employment to the date of redeposit and an amount equal to six percent of his total annual compensation after his return to employment plus a reinstatement fee of two and one-half percent per annum on each year's annual compensation from the end of the respective year of service to the date of deposit plus membership fees for the years after his return to employment. Upon payment of the amount required by this subsection the reinstated member shall receive credit for each year's service both before and after his initial retirement. Reinstatement fees shall be credited to the state contribution account."

Section 3. Subsection (b) of Section 3.31 of the Texas Education Code is amended to read as follows:

"(b) In lieu of any service retirement benefit allowable under Subsection (a) of this section, a member may elect, by giving notice to the State Board of Trustees in writing before the date fixed for retirement, to receive the actuarial equivalent of the benefit in the form of a reduced monthly amount payable throughout his lifetime, with provisions for:

"(1) Option One: on his death, the same monthly payments shall be made to and continued throughout the life of the person nominated by the member's written designation filed with the State Board of Trustees prior to his retirement; or

"(2) Option Two: on his death, one-half of the same monthly payments shall be made to and continued throughout the life of the person nominated by the member's written designation filed with the State Board of Trustees prior to his retirement; or

"(3) Option Three: on his death before 60 monthly payments have been made, they shall continue to the person nominated by the member in writing, or to such person's executor or administrator, until the remainder of the 60 payments have been made; or

"(4) Option Four: on his death before 120 monthly payments have been made, they shall continue to the person nominated by the member in writing, or to such person's executor or administrator, until the remainder of the 120 payments have been made; or

"(5) Option Five: any other benefit arrangement approved by the State Board of Trustees and certified by the actuary to constitute the actuarial equivalent of the standard annuity retirement benefit to which the member is entitled under Subsection (a) of this section."

Section 4. Section 3.31 of the Texas Education Code is amended by adding a new Subsection (g) to read as follows:

"(g) At any time before his date of retirement a member by giving written notice to the State Board of Trustees may revoke his application for retirement and may make, revoke, or change his selection of an option as provided in this chapter, no person who has retired under the provisions of this chapter may revoke his retirement nor make, revoke, or change his selection of an option under Subsection (b) of this section."

Section 5. Subsection (b) of Section 3.34 of the Texas Education Code is hereby amended to read as follows:

"(b) In the event the designated beneficiary is other than a surviving widow, dependent widower, child, grandchild, brother, sister, or dependent parent of the deceased, or other person financially dependent on the deceased, the death benefits payable to the beneficiary under the provisions of this Chapter shall be limited to the accumulated contributions in the member's member savings account."

Section 6. The Texas Education Code is amended by adding Subsections (f), (g) and (h) to Section 3.36 to read as follows:

"(f) Upon the death of a retired member receiving service retirement benefits under Subsection (a) of Section 3.31 or service retirement benefits under Subsections (b) (1), (2) or (5) of Section 3.31 of this chapter when the retired member's designated beneficiary predeceases him, there shall be paid to the designated beneficiary, or to those provided in Subsections (b) and (c) of Section 3.33 of this chapter if there is no designated beneficiary in existence at the time of the retired member's death, an amount equal to the retired member's accumulated contributions less the total amount of service retirement benefits paid pursuant to Section 3.31 of this chapter to the retired member.

"(g) Upon the death of a retired member's designated beneficiary who is receiving an annuity under Option One or Option Two as provided by Subsection (b) of Section 3.31 of this chapter or under Option Five of that subsection, if such option results in a total payment of benefits which is less than the accumulated contributions of the retired member, the estate or the heirs of the beneficiary shall be refunded an amount equal to the accumulated contributions of the retired member less the total amount of service retirement benefits paid pursuant to Section 3.31 of this chapter to the retired member and his designated beneficiary.

"(h) Payments provided by Subsections (f) and (g) of this section shall not affect the right of an eligible beneficiary to receive survivor benefits provided in this chapter nor the right of any beneficiary to receive the lump sum payment of $500 as provided in Subsection (a) of this section."

Section 7. Subsection (a) of Section 3.38 of the Texas Education Code is amended to read as follows:

"(a) Except as provided in this section, nothing in this chapter is intended to affect benefits allowed prior to May 31, 1971, by reason of retirement or death, prior to such date, of a member of the system."

Section 8. Section 3.38 of the Texas Education Code is amended by adding a new Subsection (e) to read as follows:

"(e) Any person with more than 20 years and less than 25 years of service who has retired under a provision of the laws which governed the Teacher Retirement System of Texas granting a retirement annuity based upon the actuarial equivalent of a standard service retirement benefit reduced for early retirement from age 65 shall receive an annuity recomputed under the terms of Subsection (a) (4) of Section 3.31 of this chapter. The increase in payments to those affected shall begin on the last day of the month of the effective date of this subsection and shall not be retroactive to their respective dates of retirement."

Section 9. Texas Education Code is amended by adding a new Section 3.39 to read as follows:

"Section 3.39. OPTIONAL DEDUCTIONS FOR MEDICARE PAYMENTS. Any eligible person receiving retirement benefits under Section 3.31 of this chapter may authorize in writing the retirement system to deduct from his monthly annuity payment the amount required as a monthly premium for hospital insurance benefits provided to uninsured individuals not otherwise eligible for medical insurance for the aged as provided by Part A of Title XVIII of the Social Security Act and for supplementary medical insurance benefits for the aged as provided by Part B of Title XVIII of the Social Security Act. The retirement system shall, upon making these authorized deductions, pay the required premiums for the retired member to the Treasury of the United States subject to the laws of the United States and the rules and regulations of the Secretary of Health, Education, and Welfare concerning the time and manner of payment."

Section 10. Section 3.55 of the Texas Education Code is amended by adding a new Subsection (c) to read as follows:

"(c) On August 31 of each year the State Board of Trustees may authorize by resolution a transfer from the interest account to the retired reserve account of an amount calculated by a rate in excess of that required by Subsection (b) (2) of Section 3.55 of this chapter, provided that the actuary designated in accordance with Subsection (o) of Section 3.59 of this chapter shall have recommended such rate as sufficient to fund the retired reserve account at an adequate level."

Section 11. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

Section 12. The crowded condition of the calendars creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended; and that this Act shall take effect from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 464
Education Code, Chapt. 21, Subchapt. Z,
Sec. 21.911

EDUCATION CODE - SPECIAL EDUCATION CLASSES - INTELLIGENCE TESTING

Section 1. Subchapter Z, Chapter 21, Texas Education Code, is amended by adding Section 21.911 to read as follows:

"Section 21.911. TESTING PUPILS FOR ASSIGNMENT TO SPECIAL EDUCATION CLASSES. (a) Before a pupil is assigned to a special education class he shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the pupil is most fluent and has the best speaking ability and capacity to understand. The tests shall be selected from a list approved by the State Board of Education.

"(b) No school district may assign a pupil to a special education class on the basis of intelligence tests administered in a language other than the primary home language of the child."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 11, 1973

Senate Bill No. 479
Education Code, Sec. 21.080

EDUCATION CODE - STATE SCHOOL FOR THE MENTALLY RETARDED - TRANSFER OF EMPLOYEES' WARDS - LIVING ON GROUNDS

Section 1. Chapter 889, Acts of the 61st Legislature, Regular Session, 1969, as amended by Chapter 540, Acts of the 62nd Legislature, 1971, Regular Session (codified as Section 21.080 of the Texas Education Code), is amended to read as follows:

"Section 21.080. Transfer of Children or Wards of Employees of State Schools

"A school age child or ward of an employee of a State school for the mentally retarded which is constituted as a school district who resides within the boundaries of the State school property but who is not a student at the State school is entitled to attend school in a school district adjacent to the State school free of any charge to his parents or guardian provided such parent or guardian is required by the Superintendent of the State school to live on the grounds of the State school for the convenience of the State of Texas. In such instance, any tuition charge required by the admitting school district shall be paid by the school district constituting the State school out of funds allotted to it by the Central Education Agency."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 506
Education Code, Chapt. 21, Subchapt. D,
Sec. 21.118

ESTABLISHING CRIME AND NARCOTICS EDUCATION

Section 1. Subchapter D, Chapter 21, Texas Education Code, is amended by adding a Section 21.118 to read as follows:

"Section 21.118. CRIME AND NARCOTICS PROGRAM, ADMINISTRATION.

"(a) A comprehensive program to provide for an effective state-supported administration of course preparation, instruction and teaching in the public schools of this state, as required by law, on the dangers and prevention of crime, narcotics, and drug abuse shall be developed under policies and regulations of the Central Education Agency. Such program administered by the agency shall provide for and encompass also the services of the regional education service centers and the school districts of this state, thereby to coordinate and effectuate improvement in instruction, development of teachers

therein, and preparation and distribution of instructional materials and guidelines for program development.

"(b) Among desired conditions necessary to provide and implement an effective education program, the Central Education Agency in its development of such program shall consider the following:

"(1) Carefully conducted assessment(s) of the drug problem of each local school district, to include the needs of students, thereby to provide data on a regional service center and statewide basis and to define specific needs.

"(2) Continued training of Central Education Agency, regional education service center and school district personnel in drug-crime education.

"(3) Cooperative efforts to educate all members of the community concerning the drug problem and ways community involvement can contribute to the solution.

"(4) Continued research and study to define further needs and design of model programs to such needs.

"(5) Future accreditation standards and teacher certification requirements.

"(c) The commissioner of education shall establish the requirements for teachers who teach in this program.

"(d) The comprehensive program authorized by this Act shall be state funded as provided hereafter to include the following:

"(1) Administrative costs of the Central Education Agency for program development and administration.

"(2) Coordinating and training professional positions assigned to each regional education service center on a formula basis determined by the State Board of Education ensuring one position in each region but allowing for increase in personnel in the more populated regions.

"(3) School district costs for materials and staff development.

"(4) The commissioner of education shall transmit or cause to be transmitted the money as authorized to be expended herein to the respective regional service centers and school districts pursuant to policies adopted by the State Board of Education providing for the approval and disbursement thereof.

"(e) The cost of operating the comprehensive program as authorized and developed herein shall be borne by the state. The state's share of the cost shall be paid from the general revenue fund or other source in the amounts as may be specifically appropriated and allocated in the general appropriation bill for the purpose of this Act. No state funds provided for herein shall be used for any purpose other than for the program herein."

Section 2. There is hereby appropriated to the Central Education Agency from the general revenue fund for the items prescribed by Subdivisions (1)

and (2) of Subsection (d), Section 21.118, Texas Education Code, as added by this Act, the sum of $560,000 for the school year beginning September 1, 1973, and $560,000 for the school year beginning September 1, 1974.

Section 3. This Act shall be effective for the school year beginning September 1, 1973, and thereafter.

Section 4. The fact that effective education appears to be an important deterrent to crime and drug abuse; that few teachers have specific training in crime or drug education and fewer still are trained to teach the subjects; that no state funds support such classroom units; that temporary limited federal funds which supported an office in the Central Education Agency and one staff member in each of the regional education service centers will no longer be available beyond August, 1973; and the further fact the invaluable coordination of efforts of all agencies should be maintained create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Effective: September 1, 1973

Senate Bill No. 593
Education Code, Chapt. 11, Subchapt. A,
Sec. 11.20

DETECTION OF SCHOOL CHILDREN HEALTH DEFECTS

Section 1. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.20 to read as follows:

"Section 11.20. PILOT PROGRAMS FOR PHYSICAL EVALUATIONS OF SCHOOL CHILDREN. (a) The Central Education Agency shall plan, institute, and supervise pilot programs in various school districts of this state for the purpose of screening children for health defects or problems.

"(b) In each district selected for a pilot program, children shall be examined or evaluated in the manner prescribed by the Central Education Agency and by nurses or other allied health personnel specifically authorized to do so by the agency.

"(c) Prior notice of the examination shall be given to the parents or guardian of each child, and no child shall be examined or evaluated if his parents or guardian object because of religious convictions.

"(d) Whenever an abnormal health condition or problem is found in any child, the school nurse shall:

"(1) advise the child's parent or guardian;

"(2) suggest what action should be taken;

"(3) if necessary, assist the family in obtaining access to appropriate health, rehabilitation, or treatment services; and

"(4) review the case as necessary to determine that corrective action is taken to the extent possible.

"(e) The agency shall require a record to be kept of each examination and actions taken pursuant to each examination. The record shall be confidential and shall be kept separate from the other records of the child. The records may be used for statistical purposes as long as the identity of each child is kept confidential.

"(f) The agency shall require periodic reports from each district participating in the program for the purpose of evaluating the results of the program. The agency shall report its findings and recommendations to the legislature biennially during the first month of the regular session.

"(g) The legislature shall appropriate money to finance the cost of the program, including planning, compensation for personal services, and necessary equipment and supplies."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 605
Education Code, Chapt. 2, Sec. 2.09,
Subsec. (c)

EDUCATION CODE - IMMUNIZATION OF STUDENTS - DOCTOR'S CERTIFICATE

Section 1. Subsection (c) of Section 2.09, Chapter 2, Texas Education Code, is amended to read as follows:

"(c) No form of immunization is required for a person's admission to any elementary or secondary school or institution of higher education when the person applying for admission submits to the admitting official either of the following:

"(1) an affidavit or a certificate signed by a doctor who is duly registered and licensed under the Medical Practice Act of Texas, in which it is stated that, in the doctor's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his family or household; or

"(2) an affidavit signed by the applicant or, if a minor, by his parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the Commissioner of Health."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 11, 1973

Senate Bill No. 692
Education Code, Sec. 12.15, Subsec. (c)

PROVISION OF FREE TEXTBOOKS IN CERTAIN COURSES

Section 1. Subsection (c), Section 12.15, Texas Education Code, is amended to read as follows:

"(c) Free textbooks may also be adopted and provided for any additional courses or subjects approved by the Central Education Agency and accredited by the state accrediting committee."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

Senate Bill No. 863
Art. 734c

COSMETOLOGY - HAIR CLEANSING AND SCALP CONDITIONING

Section 1. Subsection (a), Section 12, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 734c, Vernon's Texas Penal Code), is amended to read as follows:

"(a) No person for compensation may perform or attempt to perform any practice of cosmetology, as defined in Section 1, without first obtaining a license to perform that practice, except for hair cleansing and scalp conditioning as provided by Subsection (c) of this section."

Section 2. Section 12, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 734c, Vernon's Texas Penal Code), is amended by adding a Subsection (c) to read as follows:

"(c) No person for compensation may perform or attempt to perform the duties of a hair technician who engages solely in the practice of cosmetology for hair cleansing and scalp conditioning without first having been trained in a vocational rehabilitation program or in a school program approved by the Texas Education Agency and the Texas Cosmetology Commission and without having received certification from the Texas Cosmetology Commission to engage in the practice of hair cleansing and scalp conditioning."

Section 3. Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 734c, Vernon's Texas Penal Code), is amended by adding Section 55 to read as follows:

"Section 55. (a) The Texas Cosmetology Commission shall establish a procedure within 30 days from the effective date of this Act whereby persons who have received at least 150 clock hours of training in hair cleansing and scalp conditioning at a vocational rehabilitation center or an approved school may receive certification from the Texas Cosmetology Commission after examination to perform the practice of hair cleansing and scalp conditioning.

"(b) Certification under Subsection (a) of this section shall begin not later than January 1, 1974 and the issuance of original certification shall end on December 31, 1978. There shall be no more than 100 persons certified to engage solely in the practice of cosmetology for hair cleansing and scalp conditioning at any one time.

"(c) To be eligible for certification each person must:

"(1) be at least 16 years of age;

"(2) have successfully completed a course in hair cleansing and scalp conditioning offered by a vocational rehabilitation center or an approved school;

"(3) make application for certification to the Texas Cosmetology Commission on application forms prescribed by the commission; and

"(4) possess a certificate of health as described in Section 35 of this Act.

"(d) A vocational rehabilitation center or an approved school may offer the training for certification under this section if:

"(1) it has received written authorization to do so by the Texas Cosmetology Commission and by the Texas Education Agency;

"(2) it provides a course of training, supervision of trainees, and continuing evaluation of certificate holders; and

"(3) it conducts classes in which there are not more than three trainees to each instructor during any class session.

"(e) No person who holds a certificate issued under this section may be employed by a licensed beauty shop having fewer than three regular employees who hold valid operators licenses issued under this Act.

"(f) Certificates shall be issued pursuant to the provisions of this section and shall continue in effect so long as the applicant or certificate holder:

"(1) is determined by the Texas Cosmetology Commission to be mentally and physically capable of performing the duties of a person employed solely in the practice of cosmetology to cleanse hair or condition the scalp;

"(2) makes annual application for certification renewal to the Texas Cosmetology Commission on forms prescribed by the commission; and

"(3) possesses a certificate of health as described in Section 35 of this Act at the time of renewal.

"(g) The Texas Cosmetology Commission shall continue to renew certificates after December 31, 1978 if the certificate holder meets the qualifications prescribed by Subsection (f) of this section."

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

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Senate Bill No. 969
Education Code, Sec. 16.76, Subsec (c)

LOCAL SCHOOL DISTRICT FUND ASSIGNMENTS

Section 1. Subsection (c), Section 16.76 of the Texas Education Code, is amended to read as follows:

"(c) No local fund assignment shall be charged to the Boy's Ranch Independent School District in Oldham County, the Bexar County School for Boys Independent School District in Bexar County, the Bexar County School for Girls Independent School District in Bexar County, or to any independent school district which is located in its entirety within the boundaries of a federally-owned military reservation."

Section 2. The crowded condition of the calendars creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended; and that this Act shall take effect from and after its passage, and it is so enacted.

Effective: June 14, 1973

S. R. No. 827

SENATE RESOLUTION NO. 827

WHEREAS, Senate Bill Number 123 has been passed by both Houses of the Legislature; and

WHEREAS, This bill, when signed into law, will bring large numbers of young people into full partnership with other adult citizens by granting full majority rights to 18 to 20 year olds; and

WHEREAS, These young people must be prepared to accept the many responsibilities that accompany these rights; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That the Texas Education Agency make every effort to ensure that the public schools of Texas inform and educate their students on the complications, basic legal requirements and liabilities of contracts, time payments, use of credit, and other transactions, and to be fully informed of their responsibilities in other areas affected by the passage of this Act; and, be it further

RESOLVED, That a copy of this Resolution be forwarded to the Texas Education Agency.

House Bill No. 3
Art. 6252-17

GOVERNMENTAL BODIES - OPEN MEETINGS

Section 1. Section 1, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. As used in this Act:

"(a) 'Meeting' means any deliberation between a quorum of members of a governmental body at which any public business or public policy over which the governmental body has supervision or control is discussed or considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body or for attendance of regional, state, or national conventions or workshops as long as no formal action is taken and there is no deliberation of public business which will appear on the agenda of the respective body.

"(b) 'Deliberation' means a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business.

"(c) 'Governmental body' means any board, commission, department, or agency within the executive or legislative department of the state, which is under the direction of one or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore, or hereafter created by law.

"(d) 'Quorum,' unless otherwise defined by constitution, charter, rule or law applicable to such governing body, means a majority of the governing body."

Section 2. Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 2. (a) Except as otherwise provided in this Act or specifically permitted in the Constitution, every regular, special, or called meeting or session of every governmental body shall be open to the public; and no closed or executive meeting or session of any governmental body for any of the purposes for which closed or executive meetings or sessions are hereinafter

authorized shall be held unless the governmental body has first been convened in open meeting or session for which notice has been given as hereinafter provided and during which open meeting or session the presiding officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections under this Act authorizing the holding of such closed or executive session.

"(b) In this Act, the Legislature is exercising its rule-making powers to prohibit secret meetings of the Legislature, its committees, or any other bodies associated with the Legislature, except as otherwise specifically permitted by the Constitution.

"(c) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.

"(d) Nothing in this Act shall be construed to affect the deliberation of grand juries.

"(e) Private consultations between a governmental body and its attorney are not permitted except in those instances in which the body seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with this Act.

"(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.

"(g) Nothing in this Act shall be construed to require governmental bodies to hold meetings open to the public in cases involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.

"(h) Nothing in this Act shall be construed to require school boards to hold meetings open to the public in cases involving discipline of public school children unless an open hearing is requested in writing by a parent or guardian of the child.

"(i) All of any part of the proceedings in any public meeting of any governmental body as defined hereinabove may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction.

"(j) Nothing in this Act shall be construed to require governing bodies to deliberate in open meetings regarding the deployment, or specific occasions for implementation, of security personnel or devices.

"(k) Nothing in this Act shall be construed to allow a closed meeting of a governing body where such closed meeting is prohibited, or where open meetings are required, by charter.

"(l) Whenever any deliberations or any portion of a meeting are closed to the public as permitted by this Act, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the requirements of Section 3A of this Act.

"(m) Nothing in this Act shall be construed to require school boards operating under consultation agreements provided for by Section 13.901 of the Texas Education Code to deliberate in open meetings regarding the standards, guidelines, terms, or conditions it will follow or instruct its representatives to follow, in consultation with representatives of employee groups.

"(n) Nothing in this Act shall be construed to require an agency wholly financed by Federal funds to deliberate in open meetings.

"(o) Nothing in this Act shall be construed to require medical boards or medical committees to hold meetings open to the public in cases where the individual medical and psychiatric records of an applicant for a disability benefit from a public retirement system are being considered.

"(p) Nothing in this Act shall be construed to require that interviews or counseling sessions between the members of the Board of Pardons and Paroles and inmates of any facility of the Texas Department of Corrections be open to the public."

Section 3. Section 3A, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3A. (a) Written notice of the date, hour, place, and subject of each meeting held by a governmental body shall be given before the meeting as prescribed by this section.

"(b) A State governmental body shall furnish notice to the Secretary of State, who shall then post the notice on a bulletin board to be located in the main office of the Secretary of State at a place convenient to the public.

"(c) A city governmental body shall have a notice posted on a bulletin board to be located at a place convenient to the public in the city hall.

"(d) A county governmental body shall have a notice posted on a bulletin board located at a place convenient to the public in the county courthouse.

"(e) A school district shall have a notice posted on a bulletin board located at a place convenient to the public in its central administrative office and, in addition, shall either furnish a notice to the county clerk in the county in which most, if not all, of the school district's pupils reside or shall give notice by telephone or telegraph to any news media requesting

such notice and consenting to pay any and all expenses incurred by the school district in providing special notice.

"(f) A governmental body of a water district or other district or political subdivision covering all or part of four or more counties shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the Secretary of State, who shall then post the notice on a bulletin board located in the main office of the Secretary of State at a place convenient to the public; and it shall also furnish the notice to the county clerk of the county in which the administrative office of the district or political subdivision is located, who shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

"(g) The governing body of a water district, other district, or other political subdivision, except a district or political subdivision described in Subsection (f) of this section, shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the county clerk or clerks of the county or counties in which the district or political subdivision is located. The county clerk shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

"(h) Notice of a meeting must be posted for at least 72 hours preceding the day of the meeting, except that in case of emergency or urgent public necessity, which shall be expressed in the notice, it shall be sufficient if notice is posted two hours before the meeting is convened. In the event of an emergency meeting, the presiding officer or the member calling such meeting shall, if request therefor containing all pertinent information has previously been filed at the headquarters of the governmental body, give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the governmental body in providing such special notice. The notice provisions for legislative committee meetings shall be as provided by the rules of the house and senate."

Section 4. Section 4, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. (a) Any member of a governing body who willfully calls or aids in calling or organizing a special or called meeting or session which is closed to the public, or who willfully closes or aids in closing a regular meeting or session to the public, or who willfully participates in a regular, special, or called meeting or session which is closed to the public where a closed meeting is not permitted by the provisions of this Act, shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less than $100 nor more than $500 or imprisonment in the county jail for not less than one month nor more than six months, or both.

"(b) Any member or group of members of a governing body who conspire to circumvent the provisions of this Act by meeting in numbers less than a quorum for the purpose of secret deliberations in contravention of this Act

shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less than $100 nor more than $500 or imprisonment in the county jail for not less than one month nor more than six months or both."

Section 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after January 1, 1974, and it is so enacted.

Effective: January 1, 1974

House Bill No. 6

ACCESSIBILITY OF GOVERNMENTAL INFORMATION

Section 1. DECLARATION OF POLICY. Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all persons are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

Section 2. DEFINITIONS. In this Act:

(1) "Governmental body" means:

(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative branch of the state government, or which is created by either the executive or legislative branch of the state government, and which is under the direction of one or more elected or appointed members;

(B) the commissioners court of each county and the city council or governing body of each city in the state;

(C) every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city;

(D) the board of trustees of every school district, and every county board of school trustees and county board of education;

(E) the governing board of every special district;

(F) the part, section, or portion of every organization, corporation, commission, committee, institution, or agency which is supported in whole or in part by public funds, or which expends public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof;

(G) the Judiciary is not included within this definition.

(2) "Public records" means the portion of all documents, writings, letters, memoranda, or other written, printed, typed, copied, or developed materials which contains public information.

Section 3. PUBLIC INFORMATION. (a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

(4) information which, if released, would give advantage to competitors or bidders;

(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

(6) drafts and working papers involved in the preparation of proposed legislation;

(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency;

(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency;

(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved, or that student's parent, legal guardian, or spouse;

(15) birth and death records maintained by the Bureau of Vital Statistics in the State of Texas;

(16) the audit working papers of the State Auditor.

(b) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from individual members or committees of the legislature to use for legislative purposes.

(c) The custodian of the records may in any instance within his discretion make public any information contained within Section 3, Subsection (a) 6, 9, 11, and 15.

(d) It is not intended that the custodian of public records may be called upon to perform general research within the reference and research archives and holdings of state libraries.

Section 4. APPLICATION FOR PUBLIC INFORMATION. On application for public information to the custodian of information in a governmental body by any person, the custodian shall promptly produce such information for inspection or duplication, or both, in the offices of the governmental body. If the information is in active use or in storage and, therefore, not available at the time a person asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within a reasonable time when the record will be available for the exercise of the right given by this Act. Nothing in this Act shall authorize any person to remove original copies of public records from the offices of any governmental body without the written permission of the custodian of the records.

Section 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The chief administrative officer of the governmental body shall be the custodian of public records, and the custodian shall be responsible for the preservation and care of the public records of the governmental body. It shall be the duty of the custodian of public records, subject to penalties provided in this Act, to see that the public records are made available for public inspection and copying; that the records are carefully protected and preserved from deterioration, alteration, mutilation, loss, removal, or destruction; and that public records are repaired, renovated, or rebound when necessary to preserve them properly. When records are no longer currently in use, it shall be within the discretion of the agency to determine a period of time for which said records will be preserved.

(b) Neither the custodian nor his agent who controls the use of public records shall make any inquiry of any person who applies for inspection or copying of public records beyond the purpose of establishing proper identification and the public records being requested; and the custodian or his agent shall give, grant, and extend to the person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this Act.

Section 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without limiting the meaning of other sections of this Act, the following categories of information are specifically made public information:

(1) reports, audits, evaluations, and investigations made of, for, or by, governmental bodies upon completion;

(2) the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies;

(3) information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law;

(4) the names of every official and the final record of voting on all proceedings in governmental bodies;

(5) all working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by any governmental body, upon completion of such estimates;

(6) the name, place of business, and the name of the city to which local sales and use taxes are credited, if any, for the named person, of persons reporting or paying sales and use taxes under the Limited Sales, Excise, and Use Tax Act;

(7) descriptions of an agency's central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(8) statements of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(9) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(10) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency;

(11) each amendment, revisions, or repeal of 7, 8, 9 and 10 above;

(12) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(13) statements of policy and interpretations which have been adopted by the agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

(15) information currently regarded by agency policy as open to the public.

Section 7. ATTORNEY GENERAL OPINIONS. (a) If a governmental body receives a written request for information which it considers within one of the exceptions stated in Section 3 of this Act, but there has been no previous determination that it falls within one of the exceptions, the governmental body within a reasonable time, no later than ten days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information.

(b) The attorney general shall forthwith render a decision, consistent with standards of due process, to determine whether the requested information is a public record or within one of the above stated exceptions. The specific information requested shall be supplied to the attorney general but shall not be disclosed until a final determination has been made. The attorney general shall issue a written opinion based upon the determination made on the request.

Section 8. WRIT OF MANDAMUS. If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

Section 9. COST OF COPIES OF PUBLIC RECORDS. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive. The State Board of Control shall from time to time determine the actual cost of standard size reproductions and shall periodically publish these cost figures for use by agencies in determining charges to be made pursuant to this Act.

(b) Charges made for access to public records comprised in any form other than up to standard sized pages or in computer record banks, microfilm records, or other similar record keeping systems, shall be set upon consultation between the custodian of the records and the State Board of Control, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records.

(c) It shall be the policy of all governmental bodies to provide suitable copies of all public records within a reasonable period of time after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(d) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law.

(e) No charge shall be made for one copy of any public record requested from state agencies by members of the legislature in performance of their duties.

(f) The charges for copies made by the various municipal court clerks of the various cities and towns of this state shall be as otherwise provided by ordinance.

Section 10. DISTRIBUTION OF CONFIDENTIAL INFORMATION PROHIBITED. (a) Information deemed confidential under the terms of this Act shall not be distributed.

(b) Any person who violates Section 10(a) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not to exceed six (6) months or fined in an amount not to exceed $1,000, or by both such fine and confinement.

Section 11. A bond for payment of costs for the preparation of such public records, or a prepayment in cash of the anticipated costs for the preparation of such records, may be required by the head of the department or agency as a condition precedent to the preparation of such record where the record is unduly costly and its reproduction would cause undue hardship to the department or agency if the costs were not paid.

Section 12. PENALTIES. Any person who wilfully destroys, mutilates, removes without permission as provided herein, or alters public records shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25 nor more than $4,000, or confined in the county jail not less than three days nor more than three months, or both such fine and confinement.

Section 13. PROCEDURES FOR INSPECTION OF PUBLIC RECORDS. Each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay.

Section 14. INTERPRETATION OF THIS ACT. (a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

(c) This Act does not give authority to withhold information from individual members or committees of the Legislature of the State of Texas to use for legislative purposes.

(d) This Act shall be liberally construed in favor of the granting of any request for information.

Section 15. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

House Bill No. 34
Education Code, Chapt. 20, Subchapt. C,
Sec. 20.51

EDUCATION CODE - INDEPENDENT AND COMMON DISTRICTS ENTITLED TO FEDERAL AID - ISSUANCE OF TIME WARRANTS

Section 1. Subchapter C, Chapter 20, Texas Education Code, is amended by adding Section 20.51 to read as follows:

"Section 20.51. ISSUANCE OF TIME WARRANTS BY DISTRICTS ENTITLED TO CERTAIN FEDERAL AID. (a) This section applies to any independent school district and to any common school district within the State of Texas, whether created by general law or special Act of the Legislature, which is entitled to payments for maintenance and operation of schools under the Act of September 30, 1970, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended.

"(b) The board of trustees of an independent school district or of a common school district described in Subsection (a) of this section may, upon a determination that there are insufficient funds to properly operate and maintain the district's schools, make and enter an order in their minutes directing:

"(1) the issuing of time warrants sufficient to obtain funds for operation and maintenance of the district's schools and payment of existing accounts already obligated for these purposes;

"(2) the levying of a tax sufficient to pay the principal and interest on the warrants where a sufficient maintenance tax had theretofore been authorized by a vote of the legally qualified voters in the district; and

"(3) the creation of an interest and sinking fund.

"(c) The board shall deposit in the sinking fund, created by the order in Subsection (b) of this section, an amount from each year's maintenance taxes sufficient to pay the principal and interest on outstanding warrants when they become due and payable, and the funds may only be used to pay the principal and interest on the warrants.

"(d) The warrants shall be payable serially and annually for a period of years not to exceed eight, and shall bear interest at a rate not to exceed six percent per annum, with the option to call any part or all of the warrants for payment on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis.

"(e) The president of the board shall sign the warrants and the secretary shall countersign them.

"(f) The board may not sell the warrants for less than par value and accrued interest.

"(g) The board may not issue time warrants exceeding the amount to which the independent school district or the common school district was entitled on January 1, 1972, to receive as payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended, plus any anticipated payments for maintenance and operation of schools to which the independent school district or the common school district would be entitled through the expiration of the fiscal year of the United States Government which commences July 1, 1973, in accordance with the pertinent provisions of the aforesaid Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as it existed on January 1, 1972.

"(h) The board may not issue or execute a warrant after the expiration of four years from June 1, 1972.

"(i) Upon the issuance of any warrants provided for in this section, the affidavit of the president and secretary of the board of trustees that the warrants have been issued in conformity with this section, and the statement on the face of each warrant so issued or executed that they are made in compliance with and under the authority of this section, shall be prima facie evidence of the validity of the warrants.

"(j) This section shall not be construed as repealing any laws now in existence authorizing the issuance of interest-bearing time warrants, but this section shall be cumulative of all existing laws and Acts."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Effective: April 12, 1973

House Bill No. 80
Art. 7150h

TAXATION - EXEMPTIONS - PROPERTY OF DISABLED AND DECEASED VETERANS

Section 1. There are exempted from all property taxes levied by the state, a county, city, town, school district, special district, or other political subdivision of the state the value of assessed property owned by a disabled veteran or by the surviving spouse or children of a deceased veteran in the amounts provided in this Act.

Section 2. (a) A "disabled veteran" is a person classified as a disabled veteran by the Veterans Administration of the United States (or the successor of that agency) or by the branch of the armed services of the United States in which he served, and whose disability is service connected.

(b) The percentage of disability under this Act is the percentage of disability that is certified for the veteran by the Veterans Administration of the United States or by the branch of the armed services of the United States in which he served.

Section 3. (a) A disabled veteran whose disability is less than 10 percent is not entitled to an exemption under this Act.

(b) A disabled veteran whose disability is 10 percent or more, but not more than 30 percent, is entitled to an exemption of the first $1,500 of the assessed value of his property.

(c) A disabled veteran whose disability is more than 30 percent, but not more than 50 percent is entitled to an exemption of the first $2,000 of the assessed value of his property.

(d) A disabled veteran whose disability is more than 50 percent, but not more than 70 percent is entitled to an exemption of the first $2,500 of the assessed value of his property.

(e) A disabled veteran whose disability is more than 70 percent is entitled to an exemption of the first $3,000 of the assessed value of his property.

(f) A disabled veteran whose disability is 10 percent or more and who is 65 years old or older is entitled to an exemption of the first $3,000 of the assessed value of his property.

(g) A disabled veteran whose disability consists of the loss of the use of one or more limbs, total blindness in one or both eyes, or paraplegia is entitled to an exemption of the first $3,000 of the assessed value of his property.

Section 4. A disabled veteran who qualifies under more than one of the exemptions under Section 3 of this Act is not entitled to aggregate or combine the value of the exemptions, but may take the exemption allowing the largest exclusion.

Section 5. The surviving spouse of a person who dies while on active duty in the armed services of the United States is entitled to an exemption of the first $2,500 of the assessed value of the spouse's property during the period that the surviving spouse remains unmarried.

Section 6. A surviving child of a person who dies while on active duty in the armed services of the United States is entitled to an exemption of the first $2,500 of the assessed value of the child's property during the period that the child is under 21 years old and is unmarried.

Section 7. An exemption authorized under Sections 5 and 6 of this Act becomes effective on January 1 of the year following the year in which the member of the armed services of the United States died, and the eligibility of the surviving spouse or child is determined on the effective date of the exemption.

Section 8. (a) Except as provided in Subsection (b) of this section, the surviving spouse of a deceased disabled veteran, who at the time of his death was entitled to an exemption under Section 3 of this Act, is entitled to an exemption equal to the amount the deceased disabled veteran was entitled to receive at the time of his death, if the surviving spouse is unmarried.

(b) The estate of a deceased disabled veteran is entitled to an exemption from property taxes in an amount equal to the amount to which the deceased disabled veteran was entitled at the time of his death. If the estate of the deceased veteran takes or is entitled to take the exemption allowed in this subsection, the exemption allowed in Subsection (a) of this section is not applicable.

Section 9. (a) This section applies only if there is no person or estate receiving an exemption under Section 8 of this Act.

(b) Each qualified child of a deceased disabled veteran who was entitled to an exemption under Section 3 of this Act at the time of his death is entitled to an exemption from property taxes in an amount determined under Subsection (c) of this section.

(c) The amount of the exemption allowable under Subsection (b) of this section is determined by dividing the amount of the exemption to which the deceased disabled veteran was entitled at the time of his death by the number of qualified children.

(d) A qualified child of a disabled veteran is any child who is less than 21 years old, is unmarried, and has property which would be subject to taxation by any taxing unit in the state without regard to the exemption authorized in this section.

Section 10. (a) A person who is entitled to an exemption under this Act as a disabled veteran and also is entitled to an exemption as the surviving spouse or child of a deceased disabled veteran or as the surviving spouse or child of a person who died while on active duty in the armed services of the United States is entitled to add the value of each exemption and is exempt from property taxes in an amount equal to the sum of the exemptions.

(b) A person who is entitled to an exemption as the spouse of a deceased disabled veteran is not entitled to an exemption as the child of a disabled veteran or as the child of a person who died while on active duty in the armed services of the United States.

Section 11. The tax assessor-collector of each taxing unit responsible for assessing and collecting property taxes in this state shall provide to each person appearing at the office of the tax assessor-collector to render his property or to have his property assessed and to each person personally visited by the tax assessor-collector to assess property a form on which the person may claim any exemption allowed under this Act.

Section 12. The comptroller of public accounts shall make regulations providing for the manner in which proof of eligibility of an exemption may be made. The comptroller may also make regulations concerning the duties of tax assessor-collectors under this Act and the manner in which an exemption may be claimed.

Section 13. The purpose of this Act is to provide for exemptions under the authority of Article VIII, Section 2(b), of the Texas Constitution.

Section 14. The provisions of this Act are declared to be non-severable, and if any provision of this Act is declared invalid by a final judgment of a court of competent jurisdiction as to any person, the Act is void.

Section 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 88
Art. 6701b

COMPARATIVE NEGLIGENCE - CONTRIBUTION
AMONG JOINT TORT-FEASORS

Section 1. MODIFIED COMPARATIVE NEGLIGENCE. Contributory negligence shall not bar recovery in an action by any person or party or the legal representative of any person or party to recover damages for negligence resulting in death or injury to persons or property if such negligence is not greater than the negligence of the person or party or persons or parties against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributed to the person or party recovering.

Section 2. CONTRIBUTION AMONG JOINT TORT-FEASORS. (a) In this section:

(1) "Claimant" means any party seeking relief, whether he is a plaintiff, counterclaimant, or cross-claimant.

(2) "Defendant" includes any party from whom a claimant seeks relief.

(b) In a case in which there is more than one defendant, and the claimant's negligence does not exceed the total negligence of all defendants, contribution to the damages awarded to the claimant shall be in proportion to the percentage of negligence attributable to each defendant.

(c) Each defendant is jointly and severally liable for the entire amount of the judgment awarded the claimant, except that a defendant whose negligence is less than that of the claimant is liable to the claimant only for that portion of the judgment which represents the percentage of negligence attributable to him.

(d) If an alleged joint tort-feasor pays an amount to a claimant in settlement, but is never joined as a party defendant, or having been joined, is dismissed or nonsuited after settlement with the claimant (for which reason

the existence and amount of his negligence are not submitted to the jury), each defendant is entitled to deduct from the amount for which he is liable to the claimant a percentage of the amount of the settlement based on the relationship the defendant's own negligence bears to the total negligence of all defendants.

(e) If an alleged joint tort-feasor makes a settlement with a claimant but nevertheless is joined as a party defendant at the time of the submission of the case to the jury (so that the existence and amount of his negligence are submitted to the jury) and his percentage of negligence is found by the jury, the settlement is a complete release of the portion of the judgment attributable to the percentage of negligence found on the part of that joint tort-feasor.

(f) If the application of the rules contained in Subsections (a) through (e) of this section results in two claimants being liable to each other in damages, the claimant who is liable for the greater amount of damages, the claimant who is liable for the greater amount is entitled to a credit toward his liability in the amount of damages owed him by the other claimant.

(g) All claims for contribution between named defendants in the primary suite shall be determined in the primary suit, except that a named defendant may proceed against a person not a party to the primary suit who has not effected a settlement with the claimant.

(h) This section prevails over Article 2212, Revised Civil Statutes of Texas, 1925, and all other laws to the extend of any conflict.

Section 3. Section 1, Chapter 225, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6701b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) No person who is related within the second degree of consanguinity or affinity to the owner or operator of a motor vehicle and who is being transported over the public highways of this State by the owner or operator of the (a) motor vehicle as his guest without payment for such transportation, shall have a cause of action for damages against such owner or operator for injuries, death or loss, in case of accident, unless such accident shall have been intentional on the part of said owner or operator, or caused by his heedlessness or his reckless disregard of the rights of others. There shall be no such immunity for an owner or operator who is not so related to the guest.

"(b) Nothing in this Act affects any judicially-developed and developing rules under which a person is or is not totally or partially immune from tort liability to another by virtue of a family relationship.

"(c) When any liability claim is made by a guest again st the owner or operator or his liability insurance carrier, the owner or operator or his liability insurance carrier shall be entitled to an offset, credit, or deduction against any award made to such guest in an amount of money equal to the amounts paid by the owner, operator or his automobile liability insurance carrier for medical expenses of such guest; provided, however, that nothing

herein shall be construed to authorize a direct action against a liability insurance company if such right does not presently exist at law."

Section 4. SAVING CLAUSE. This Act does not apply to any cause of action arising before its effective date.

Section 5. SEVERABILITY CLAUSE. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. EFFECTIVE DATE. This Act takes effect on September 1, 1973.

Section 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Effective: September 1, 1973

House Bill No. 89
Education Code, Sec. 3.59, Subsecs. (a)(c)(d)

TEACHER RETIREMENT SYSTEM - STATE BOARD OF TRUSTEES - COMPOSITION, APPOINTMENT AND TERMS

Section 1. Subsections (a), (c) and (d) of Section 3.59 of the Texas Education Code are hereby amended to read as follows:

"(a) General administration of and responsibility for proper operation of the retirement system in accordance with the provisions of this chapter are vested in a State Board of Trustees, which shall consist of nine persons appointed as specified in Subsections (b), (c) and (d) of this section."

"(c) Two members shall be nominated by the State Board of Education subject to confirmation by two-thirds of the senate, one of whom shall hold office for a term ending August 31, 1973, and the other for a term of four years ending August 31, 1977.

"(d) Four members shall be appointed by the governor, with the advice and consent of the senate, subject to the following requirements:

"(1) Three such members shall each be appointed from a slate of three teacher members of the retirement system nominated by written ballot by the membership of the retirement system at an election conducted under the rules and regulations adopted by the State Board of Trustees, one member to hold office for a term ending August 31, 1973, one member to hold office for a

term ending August 31, 1975, and one member to hold office for a term ending August 31, 1977.

"(2) One such member shall be appointed from a slate of three former teachers who have retired and are receiving benefits under the provisions of this chapter or of previous laws governing the Teacher Retirement System of Texas and who have been nominated by written ballot by those persons who have retired and are receiving benefits under the provisions of this chapter or of previous laws governing the Teacher Retirement System of Texas at an election conducted under the rules and regulations adopted by the State Board of Trustees. The retired teacher member shall hold office for a term of two years ending August 31, 1975. The State Board of Trustees shall send directly to all retired teachers notice of deadlines for filing as a candidate for nomination, information on procedures to follow in filing as such candidate, and written ballots."

Section 2. Nothing in this Act shall be construed to prevent persons holding office on the effective date of this Act as members of the State Board of Trustees of the Teacher Retirement System of Texas from serving the remainder of the terms to which they respectively were appointed.

Section 3. If an article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

Section 4. The crowded condition of the calendars creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended; and that this Act shall take effect from and after its passage, and it is so enacted.

Effective: April 3, 1973

House Bill No. 91
Education Code, Chapt. 11,
Subchapt. A, Sec. 11.17

COMMISSION ON EARLY CHILDHOOD EDUCATION

Section 1. Subchapter A. Chapter 11, Texas Education Code, is amended by adding Section 11.17, to read as follows:

"Section 11.17. ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION. (a) The Advisory Council on Early Childhood Education is created and shall assist

the State Board of Education in formulating minimum standards for quality educational experiences in all public programs at the kindergarten grade level.

"(b) The council is composed of 24 members appointed by the governor;

"(1) one specialist from the State Department of Education from the kindergarten area;

"(2) one specialist from Vocational Homemaking Education in the State Department of Education;

"(3) one specialist in early childhood education from the faculty of a college or university department of education;

"(4) one specialist in child development from the faculty of a college or university department of home economics;

"(5) one specialist from the State Department of Public Welfare in early childhood development;

"(6) one representative of the Texas Association for the Education of Young Children;

"(7) one certified kindergarten teacher;

"(8) one nursery school teacher;

"(9) one representative of the Texas-Elementary-Kindergarten-Nursery Educators Association;

"(10) one director of a private nursery school;

"(11) one director of a day care facility;

"(12) one child psychologist;

"(13) one pediatrician;

"(14) one representative of the State Department of Health;

"(15) one representative of the State Department of Mental Health and Mental Retardation;

"(16) one representative of the Texas Elementary Principals and Supervisors Association;

"(17) one representative of the Texas State Teachers Association;

"(18) one representative from the Texas Association of Childhood Education;

"(19) one representative of the Texas Classroom Teachers Association;

"(20) one optometrist;

"(21) one representative from Vocational Homemaking Teachers Association of Texas;

"(22) one ophthalmologist;

"(23) one child psychiatrist; and

"(24) one parent of a child enrolled in a prekindergarten or kindergarten grade level program at the time of appointment.

"(c) All appointments shall be for terms of two years, but membership of a representative of a specific agency or group shall terminate if the representative terminates his association with the agency or group. No person may be appointed to serve on the commission for more than two full terms. Vacancies shall be filled for the unexpired portion of the term, and an appointment for a portion of a term shall not disqualify the appointee for appointment for two additional full terms. If a member is absent from any four regularly scheduled meetings in any calendar year, his membership on the council shall terminate, and the chairman of the council shall notify the governor that the vacancy exists and the governor shall make a new appointment within 30 days.

"(d) The council by majority vote of all its members shall elect a chairman from its membership. The council shall meet regularly with a minimum of six meetings each year. Additional meetings may be held at the call of the chairman. Members of the council serve without compensation, but are entitled to reimbursement for necessary and actual travel expenses incurred in the performance of their duties.

"(e) The Central Education Agency, with the advice of the council, shall:

"(1) develop minimum standards for kindergarten education;

"(2) formulate minimum standards for the certification of teachers at the kindergarten grade level including:

"(A) issuance of a kindergarten teaching certificate upon the completion of the bachelor's degree in child development through home economics or early childhood education departments from an accredited college or university which requies a multidisciplinary preparation and includes student teaching or one year of teaching experience;

"(B) issuance of a preliminary teaching certificate upon the completion of the associate of arts degree in child development from an accredited junior college or other institution authorized to issue such degree;

"(C) issuance of an emergency teaching certificate for those who do not qualify under Paragraph (A) or (B) of this subdivision but present evidence of commitment to a definite approved plan of study which upon completion would result in a regular certification;

"(D) issuance of a paraprofessional teaching certificate for those who have completed training through a Home Economics Gainful Employment Program at a high school or through other programs approved by the State Board of Education;

"(E) develop the curriculum and course of studies for the kindergarten grade level, to be revised each year as deemed necessary.

"(f) The Central Education Agency, with the advice of the council, shall develop standards for the certification of professional and paraprofessional personnel and for the accreditation of public kindergartens.

"(g) Not less than six months prior to each regular session of the legislature the Commissioner of Education shall recommend to the Governor desirable programs for public kindergartens and the administrative and legislative changes necessary to accomplish them."

Section 2. The duration of the Advisory Council on Early Childhood Education shall not exceed four (4) years in length.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 16, 1973

House Bill No. 92
Education Code, Sec. 16.862

EDUCATION CODE - QUARTER SYSTEM OF OPERATION

Section 1. Section 16.862 of the Texas Education Code is hereby amended to read as follows:

"Section 16.862. Operation on Quarter Basis.

"Beginning with the 1972-73 school year, each school district in this state may operate on the basis of a quarter system, and beginning with the 1975-76 school year, each school district shall operate on the basis of a quarter system, with the schools being in operation during at least three quarters during each school year, providing 180 days of instruction for students and 10 days of inservice education for teachers."

Section 2. The importance of enactment of this legislation at this session, and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: February 27, 1973

House Bill No. 147
Education Code, Chapt. 11, Subchapt. A,
Sec. 11.18; Sec. 21.902

EDUCATION CODE - ADULT EDUCATION - SUPPLEMENTAL AID PROGRAMS

Section 1. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.18, to read as follows:

"Section 11.18. ADULT EDUCATION. (a) As used in this section, the following words and phrases shall have the indicated meanings:

"(1) 'Adult education' means services and instruction provided by public local education agencies below the college credit level for adults.

"(2) 'Adult' means any individual who is over the age of compulsory school attendance as set forth in Section 21.032 of this code.

"(b) The Central Education Agency shall:

"(1) manage this program with adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;

"(2) develop, implement, and regulate a comprehensive statewide program for community level education services to meet the special needs of adults;

"(3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private in planning, developing, and implementing related programs;

"(4) administer all state and federal funds for adult education and related skill training in Texas;

"(5) prescribe and administer standards and accrediting policies for adult education;

"(6) prescribe and administer rules and regulations for teacher certification for adult education; and

"(7) accept and administer grants, gifts, services, and funds from available sources for use in adult education.

"(c) Adult education programs shall be provided by public school districts, public junior colleges, and public universities approved in accordance with state statute and the regulations and standards formulated by the Central Education Agency. The programs shall be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

"(d) The State Board of Education may establish or designate an adult education advisory committee composed of no more than 21 members representing public and private nonprofit education, business, labor, minority groups, and the general public for the purpose of advising the board on needs, priorities, and standards of adult education programs conducted in accordance with this section of the Texas Education Code.

"(e) Funds shall be appropriated to implement statewide adult basic education, high school equivalency, and high school credit programs to eliminate illiteracy in Texas and to implement and support a statewide program to meet the total range of adult needs for adult education and related skill training. An additional sum of money may be appropriated for the purpose of skill training in direct support of industrial expansion and start-up, in those locations, industries, and occupations designated by the Texas Industrial Commission, when such training is also in support of the basic purposes of this section."

Section 2. Section 21.902, Texas Education Code, is amended to read as follows:

"Section 21.902. LATE AFTERNOON AND EVENING SESSIONS. The board of trustees of any district may provide late afternoon and evening sessions and determine which pupils shall be admitted or assigned to such school programs. The attendance of eligible pupils as defined from time to time by the policies of the State Board of Education shall be applicable to those pupils attending late afternoon and evening sessions."

Section 3. The fact that 176,676 Texas adults have not completed one year of school, that 1,758,413 Texans over the age of 25 have less than a ninth grade education, and that 3,060,636 adults in this state do not have a high school diploma, and the fact that basic and continuing education is essential to both the personal development of each citizen and the economic development of the state, and the crowded condition of the calendars in both houses, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 155
Education Code, Chapt. 21, Subchapt. D,
Sec. 21.119

REQUIRED CONSUMER EDUCATION IN SCHOOLS

Section 1. Subchapter D, Chapter 21, Texas Education Code, is amended by adding Section 21.119 to read as follows:

"Section 21.119. CONSUMER EDUCATION. (a) The Central Education Agency shall develop curricula and teaching materials for a unit of study in consumer education. The unit shall include study of installment purchasing, budgeting, and price comparison.

"(b) Beginning with the 1975-76 school year, any public school in the State may offer consumer education as an optional unit of study."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 12, 1973

House Bill No. 188
Art. 6252-19

TORT CLAIMS ACT - LIABILITY FOR PROPERTY DAMAGE

Section 1. Section 3, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. Each unit of government in the state shall be liable for money damages for property damage or personal injuries or death when proximately caused by the negligence or wrongful act or omission of any officer or employee acting within the scope of his employment or office arising from the operation or use of a motor-driven vehicle and motor-driven equipment, other than motor-driven equipment used in connection with the operation of floodgates or water release equipment by river authorities created under the laws of this state, under circumstances where such officer or employee would be personally liable to the claimant in accordance with the law of this state, or death or personal injuries so caused from some condition or

some use of tangible property, real or personal, under circumstances where such unit of government, if a private person, would be liable to the claimant in accordance with the law of this state. Such liability is subject to the exceptions contained herein, and it shall not extend to punitive or exemplary damages. Liability hereunder shall be limited to $100,000 per person and $300,000 for any single occurrence for bodily injury or death and to $10,000 for any single occurrence for injury to or destruction of property."

Section 2. Section 16, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 16. Except where there is actual notice on the part of the governmental unit that death has occurred or that the claimant has received some injury or that property of the claimant has been damaged, any person making a claim hereunder shall give notice of the same to the governmental unit against which such claim is made, reasonably describing the damage or injury claimed and the time, manner and place of the incident from which it arose, within six months from the date of the incident. Provided, however, except where there is such actual notice, charter and ordinance provisions of cities requiring notice within a charter period permitted by law are hereby expressly ratified and approved."

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is no enacted.

Effective: August 27, 1973

House Bill No. 206
Art. 2783d

INDEPENDENT SCHOOL DISTRICTS SEPARATED FROM MUNICIPAL CONTROL - CITIES OF 290,000 OR MORE - BOARD OF TRUSTEES

Section 1. Subject to the provisions of Section 3 of this Act, Section 6, Chapter 171, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 2783d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 6. (a) Each such independent school district, after separation from municipal control, shall be divided into nine (9) single member trustee districts ('Trustee Districts'), each such Trustee District to be composed of a contiguous and compact territory and all Trustee Districts to contain as nearly as may be practicable an equal number of inhabitants. Each Trustee

District shall be entitled to elect one member to the Board of Education or Board of Trustees (the 'Board') of each such independent school district.

"(b) No later than ninety (90) days before the first election after this Section becomes effective, and no later than ninety (90) days before each next succeeding election after the publication of each United States decennial census, the Board shall apportion and district or redistrict such independent school district to conform to the requirements of subsection (a), next above.

"(c) The Board of each such independent school district shall consist of nine (9) members, and the members thereof shall be chosen, respectively, by the duly qualified electors residing in the respective Trustee Districts required by this Section 6. Except as provided below, members shall be elected for staggered terms of four (4) years. All members of the Board shall serve until their successors have been elected and qualified. All elections under this section shall be held in odd-numbered years except the first, which shall be held in 1974. In 1974, all members of the Board shall be elected from Trustee Districts drawn on the 1970 federal census, and all members so elected shall serve for terms expiring in 1977. The nine (9) members elected in 1977 shall draw lots numbered from one (1) to nine (9). Those members drawing odd-numbered lots shall serve for terms expiring in 1979 and those members drawing even-numbered lots shall serve for terms expiring in 1981. At the first election following the redistricting required after the 1980 federal census and each succeeding federal census, a new Board shall be elected and the members shall draw lots in the manner specified above. Members drawing odd-numbered lots shall serve for terms of two (2) years and members drawing even-numbered lots shall serve for terms of four (4) years. Thereafter four (4) or five (5) members shall be chosen biennially for terms of four (4) years.

"(d) For the first election held under this Section, it shall not be necessary that a person be a resident within the Trustee District from which he seeks to be elected. However, it is hereby required that all persons elected shall reside and have their permanent place of residence within the Trustee District from which elected within not more than ninety (90) days after the date of the canvass of the returns of said election, or within sixty (60) days after the termination of judicial proceedings in the event of any contest for the office of trustee. For all subsequent elections, residence within the Trustee District from which a person seeks to be a candidate at the time of filing for office shall be a prerequisite to filing. Removal from the Trustee District from which elected during the term for which elected, or failure to move therein after the first election as herein required, shall constitute a vacation of office by the removing or failing trustee. In case of a vacancy caused by death or resignation or removal from or failure to move into the Trustee District from which such member is elected, the remaining members of the Board shall select a suitable person residing in the applicable Trustee District to fill the unexpired term of the vacating, resigning or deceased member, who shall serve until the next biennial election, and if the term has not expired a person shall be elected for the remaining unexpired term of the vacating, resigning or deceased member; otherwise, for a full term of four (4) years.

"(e) All elections held under this Section shall be held on the first Tuesday in April of the year in which the same is required to be held hereunder, beginning with the first election under this Section. Except for the first election, this election date shall coincide with the election date of city officers of the largest city within which the school district is wholly or partly located, and the elections shall be conducted jointly in these city precincts located within the district. The boards or bodies charged with the duty of appointing the election officers, providing the supplies, canvassing the returns, and paying the expenses of such elections shall agree upon the method for allocating the expenses for the joint election. Resolutions reciting the terms of the agreement shall be adopted by each of the participating boards or bodies. The agreement may provide for use of a single ballot form at each polling place, to contain all the offices to be voted on at that polling place, or for separate ballot forms, provided, that no voter shall be given a ballot containing the name of any candidate for whom the voters is ineligible to vote. One set of election officers may be appointed to conduct the joint election, and any person otherwise qualified who is a resident of either the city or school district concerned shall be eligible to serve as an election officer. Poll lists, tally sheets, and return forms for the various elections may be combined in any manner convenient and adequate to record and report the results of each election, and one set of ballot boxes and one stub box may be used for receiving all ballots and ballot stubs for the joint election. Returns on joint or separate forms may be made to, and the canvass made by, each officer, board or body designated by law to receive and canvass the returns of each election, or one of such officers, boards or bodies may be designated to receive and canvass the returns for the joint election and to report the results of each election to the proper authority. Where the counted ballots for two or more of the elections are deposited in a single ballot box, the box containing the counted ballots shall be returned to the officer or board designated in the agreement, which shall be an officer or board designated by law to receive and preserve the counted ballots for one of the elections constituting a part of the joint election under this Section. To be eligible to hold office under the Constitution and laws of this State, all candidates must comply with the residency requirements herein provided. Applications of candidates for a place on the ballot shall be filed not less than thirty (30) days prior to the day of the election with the secretary of the Board. On the filing application, the candidate shall specify the number of the Trustee District for which he is filing as a candidate. Candidates for election from each respective Trustee District shall be elected by a majority of the votes cast therein. In the event no candidate receives a majority of the votes cast therein, the Board, after canvassing the results thereof, shall cause the names of the two (2) candidates receiving the highest number of votes to be placed on the ballot and issue a call for special election to be held within the applicable Trustee District not later than three (3) weeks following the first election. It is the intent of this Section that said special runoff election shall be held on the same day as any special runoff election for positions on the City Council of the largest city falling within the District. Said election shall be held and conducted in the manner prescribed by law for regular trustee elections, except the Board, if it deems advisable, may provide that the absentee votes in any regular or special election shall be cast at the administration building of the District.

"(f) Except where in conflict with the provisions of this Section, said elections shall be ordered; notice shall be given and the same shall be given, held, and conducted at the times and in the manner specified in the Texas Education Code and the Texas Election Code for election of trustees in other independent school districts."

Section 2. Subject to the provisions of Section 3 of this Act, Section 6a, Chapter 171, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 2783d, Vernon's Texas Civil Statutes), is repealed.

Section 3. If this Act shall be adopted by the legislature, then the provisions of Section 1 and Section 2 hereof shall be effective on the effective date of this Act, but the first election thereunder shall be held at the proper and specified time in the year 1974. All subsequent elections shall be held at the proper and specified time in odd-numbered years.

Section 4. The importance of this legislation and the necessity to conform to the times for elections herein required create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 361
Arts. 12.03, 7150

TAXATION - EXEMPTIONS - NONPROFIT CORPORATIONS - HOMES FOR HANDICAPPED OR ELDERLY

Section 1. Article 12.03, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 12.03 CORPORATIONS EXEMPT. The franchise tax imposed by this Chapter shall not apply to any

"(a) insurance company, surety, guaranty, or fidelity company, transportation company, or sleeping, palace car, and dining company now required to pay an annual tax measured by their gross receipts;

"(b) corporation organized as a railway terminal corporation and having no annual net income from the business done by it; to any corporation having no capital stock and organized for the exclusive purpose of promoting the public interest of any county, city, or town, or other area within the state; to any corporation organized for the purpose of religious worship or for providing places of burial not for private profit; to any corporation organized for the purpose of holding agricultural fairs and encouraging agricultural

pursuits, or for strictly educational purposes, which includes non-profit corporations organized for the sole purpose of providing a student loan fund, or for purely public charity; to any state-chartered building and loan association; to any mutual investment company registered under the Federal Investment Company Act of 1940, as from time to time amended, that holds stocks, bonds, or other securities of other companies, solely for mutual investment purposes; to any non-profit corporation having no capital stock and organized for the purpose of educating the public in the protection and conservation of fish, game, and other wildlife, as well as grasslands and forests; and to any non-profit water supply or sewer service corporation organized in behalf of cities or towns, pursuant to Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1935, as amended; to any corporation organized under the Texas Non-Profit Corporation Act for the purpose of constructing, acquiring, owning, leasing, or operating a natural gas utility facility in behalf of and for the benefit of the city or residents of the city;

"(c) Non-profit corporation (as defined in the Texas Non-Profit Corporation Act) or a charitable trust providing nursing care, licensed by the Texas Department of Health, and providing housing for the low-income elderly, if the facility

"(A) operates at least 100 licensed nursing home beds and at least 250 housing units for low-income elderly; and

"(B) is designed for, necessitated by, or is involved in geriatric research programs in the areas of chronic care, paramedical personnel training, nutritional development, and programs of psychological and nutritional research for the elderly, and limited to such purpose;

"(d) corporation organized for the purpose of providing homes for elderly people sixty-two (62) years of age and older not for profit without regard to whether such corporations are for purely public charity;

"(e) non-profit corporation (as defined by the Texas Non-Profit Corporation Act) engaged exclusively in the business of owning residential property for the purpose of providing cooperative housing for any person or persons.

"(f) non-profit corporation organized for the purpose of providing homes for elderly persons sixty-two (62) years old or older or handicapped persons, if the corporation has no capital stock, the management of its affairs is vested in a board of trustees who are selected by a church which is a strictly religious society, and the articles of incorporation provide that in the event of a dissolution of the corporation all of its assets and property will go to and vest in the church."

Section 2. Article 7150, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a Section 27 to read as follows:

"Section 27. There is exempted from taxation all property used by a non-profit corporation organized for the purpose of providing homes for elderly persons sixty-two (62) years old or older or handicapped persons, if the corporation has no capital stock, the management of its affairs is vested in a board of trustees who are selected by a church which is a strictly religious society, and the articles of incorporation provide that in the event of a

dissolution of the corporation all of its assets and property go to and vest in the church."

Section 3. There is exempt from taxation all real and personal property used by a nonprofit corporation organized for the purpose of providing a home primarily for retired teachers and which has no capitol stock and which is dependent upon gifts and contributions for a significant portion of its funding of debt incurred in the construction of such facilities.

Section 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 365
Education Code, Sec. 21.033

EDUCATION CODE - COMPULSORY ATTENDANCE - EXEMPTIONS - VOCATIONAL, WORK-STUDY AND APPRENTICESHIP PROGRAMS

Section 1. Section 21.033, Texas Education Code, is amended to read as follows:

"Section 21.033. EXEMPTIONS. The following classes of children are exempt from the requirements of compulsory attendance:

"(1) any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship;

"(2) any child whose physical or mental condition is such that attendance in regular classrooms or in special education facilities supported with tax funds is not feasible, and who holds a definite certificate of a qualified physician specifying this condition and covering the period of absence;

"(3) any child more than 17 years of age who has satisfactorily completed the work of the ninth grade and who presents to the superintendent satisfactory evidence showing that his services are needed in support of a parent or other person standing in a parental relation to the child; and

"(4) any child more than 15 years of age who is enrolled in a technical-vocational training program, a work-study program, or an apprenticeship program approved by the superintendent, parent or guardian of the public school he would otherwise attend."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 12, 1973

House bill No. 367
Education Code, Sec. 16.16, Subsec. (b),
Subdivision (1)

FOUNDATION SCHOOL PROGRAM - EXCEPTIONAL CHILDREN - AUTISTIC

Section 1. Subdivision (1), Subsection (b), Section 16.16, Texas Education Code, is amended to read as follows:

"(1) 'Exceptional children' means children between the ages of 3 and 21, inclusive, with educational handicaps (physical, retarded, emotionally disturbed, and/or children with language and/or learning disabilities) as hereinafter more specifically defined; autistic children; and children leaving and not attending public school for a time because of pregnancy--which disabilities render regular services and classes of the public schools inconsistent with their educational needs."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 11, 1973

House Bill No. 427
Education Code, Sec. 32.11; Sec. 32.12, Subsec (a); Sec. 32.35, Subsec. (b); Sec. 32.38, Subsecs. (a)(b); Sec. 32.39; Sec. 32.61, Subsec. (a); Sec. 32.71

EXEMPTIONS FROM PROPRIETARY SCHOOL ACT

Section 1. Section 32.11, Texas Education Code, is amended by adding Subdivision (9) to read as follows:

"(9) 'Unearned tuition' means refunds due former students under Section 32.39, total tuition and fees collected from students currently enrolled, and total tuition and fees collected from prospective students."

Section 2. Subsection (a), Section 32.12, Texas Education Code, as amended, is amended to read as follows:

"(a) The following schools or educational institutions are specifically exempt from the provisions of this chapter and are not within the definition of 'proprietary school'.

"(1) a school or educational institution supported by taxation from either a local or State source;

"(2) nonprofit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this State, but such schools may choose to apply for a certificate of approval hereunder, and upon approval and issuance, shall be subject to the provisions of this chapter as determined by the administrator;

"(3) a school or training program which offers instruction of purely avocational or recreational subjects as determined by the administrator;

"(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

"(5) a course of courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

"(6) private colleges or universities which award a recognized baccalaureate, or higher degree, and which maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or State source;

"(7) a school which is otherwise regulated and approved under and pursuant to any other law of the State;

"(8) aviation schools or instructors approved by and under the supervision of the Federal Aviation Administration;

"(9) a school which offers intensive review courses designed to prepare students for law school aptitude tests or bar examinations."

Section 3. Subsection (b), Section 32.35, Texas Education Code, is amended to read as follows:

"(b) Any applicant whose certificate of approval is denied shall have the right of appeal under Subchapter E of this chapter."

Section 4. Subsections (a) and (b), Section 32.38, Texas Education Code, are amended to read as follows:

"(a) Before a certificate of approval is issued under this chapter, a bond shall be provided by the school for the period during which the certificate of approval is issued, and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated by the school or any of its officers, agents, or employees. The bond shall be in the penal sum of $25,000 except a bond in the penal sum of $5,000 may be provided if the school submits evidence acceptable to the administrator that the total unearned tuition of the school will not exceed $5,000 at any given time during the period of the certificate of approval. The bond shall be a corporate surety bond issued by a company authorized to do business in the State, conditioned that the parties thereto shall pay all damages or expenses which the State or any governmental subdivision thereof, or any student or potential student may sustain resulting from a violation. The bond shall be to the State for the use and benefit of any student or potential student or governmental subdivision of the State which may suffer expenses or damage by breach thereof. The bond shall be filed with the administrator and shall be in such form as shall be approved by the administrator.

"(b) Before a representative may be registered under this Chapter, a bond in the penal sum of $1,000.00 shall be provided by or for each representative for a period running concurrently with that of the school's certificate of approval, and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated, nor shall fraud or misrepresentation in securing the enrollment of a student be committed by the representative. The bond shall be a corporate surety bond issued by a company authorized to do business in the State, conditioned that the parties thereto shall pay all damages or expenses which the State, any governmental subdivision thereof, or any student or potential student may sustain resulting from a violation. The bond shall be to the State for the use and benefit of any student or potential student or governmental subdivision of the State which may suffer expense or damage by breach thereof. The bond shall be filed with the administrator and shall be in such form as shall be approved by the administrator."

Section 5. Section 32.39, Texas Education Code, is amended to read as follows:

"Section 32.39. REFUND POLICY. (a) As a condition for granting certification each school must maintain a cancellation and settlement policy which must provide a full refund of all monies paid by a student if:

"(1) the student cancels the enrollment agreement or contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student:

"(2) the enrollment of the student was procured as the result of any misrepresentation in advertising, promotional materials of the school, or representations by the owner or representatives of the school.

"(b) As a condition for granting certification, each school must maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student, after expiration of the 72-hour cancellation privilege, fails to enter the course, or withdraws, or is discontinued therefrom at any time prior to completion, and such policy must provide:

"(1) refunds for resident courses will be based on the period of enrollment computed on the basis of course time expressed in clock hours;

"(2) the effective date of the termination for refund purposes in residence schools will be the earliest of the following:

"(A) the last date of attendance, if the student is terminated by the school:

"(B) the date of receipt of written notice from the student;

"(C) ten school days following the last date of attendance;

"(3) if tuition is collected in advance of entrance, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the residence school, not more than $50 shall be retained by the school:

"(4) for the student who enters a residence course of not more than 12 months in length, terminates or withdraws, the school may retain $50 of tuition and fees and the minimum refund of the remaining tuition will be:

"(A) during the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition:

"(B) after the first week or one-tenth of the course, whichever is less, but within the first quarter of the course, 75 percent of the remaining tuition;

"(C) during the second quarter of the course, 50 percent of the remaining tuition;

"(D) during the third quarter of the course, 25 percent of the remaining tuition;

"(E) during the last quarter of the course, the student may be considered obligated for the full tuition.

"(5) for residence courses more than 12 months in length, the refund shall be applied to each 12-month period, or part thereof separately;

"(6) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service changes, rentals, deposits, and all other such ancillary miscellaneous charges, where these items are separately stated and shown in the data furnished the student before enrollment, will be made in a reasonable manner acceptable to the administrator;

"(7) refunds based on enrollment in residence schools will be totally consummated within 30 days after the effective date of termination;

"(8) refunds for correspondence courses will be computed on the basis of the number of lessons in the course;

"(9) the effective date of the termination for refund purposes in correspondence courses will be the earliest of the following:

"(A) the date of notification to the student if the student is terminated;

"(B) the date of receipt of written notice from the student;

"(C) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that he wishes to remain enrolled.

"(10) if tuition is collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, not more than $50 shall be retained by the school;

"(11) in cases of termination or withdrawal after the student has begun the correspondence course, the school may retain $50 of tuition and fees, and the minimum refund policy must provide that the student will be refunded the pro rata portion of the remaining tuition fees and other charges that the number of lessons completed and serviced by the school bears to the total number of lessons in the course;

"(12) refunds based on enrollment in correspondence schools will be totally consummated within 30 days after the effective date of termination.

"(c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the general public, the State Board of Education may, for good cause shown, amend, modify, substitute and/or alter the terms of such policy due to the specialized nature and objective of the subject school's course of instruction.

"(d) If a course of instruction is discontinued by the school and this prevents the student from completing the course, all tuition and fees paid are then due and refundable."

Section 6. Subsection (a), Section 32.61, Texas Education Code, is amended to read as follows:

"(a) No person shall:

"(1) operate a school without a certificate of approval issued by the Administrator;

"(2) solicit prospective students without being bonded as required by this Chapter;

"(3) accept contracts or enrollment applications from a representative who is not bonded as required by this Chapter;

"(4) utilize advertising designed to mislead or deceive prospective students;

"(5) fail to notify the Administrator of the discontinuance of the operation of any school within 72 hours of cessation of classes and make available accurate records as required by this Chapter;

"(6) fail to secure and file within 30 days an increased bond as required by this Chapter;

"(7) negotiate any promissory instrument received as payment of tuition or other charge prior to completion of 75 percent of the course, provided that prior to such time, the instrument may be transferred by assignment to a purchaser who shall be subject to all the defenses available against the school named as payee.

"(8) violate any provision of this Chapter."

Section 7. Section 32.71, Texas Education Code, is amended to read as follows:

"Section 32.71. CERTIFICATE AND REGISTRATION FEES. Certificate and registration fees shall be collected by the Administrator and deposited with the State Treasurer in accordance with the following schedule:

"(1) the initial fee for a school is Two Hundred Fifty Dollars ($250.00);

"(2) the annual renewal fee for a school is Two Hundred Dollars ($200.00);

"(3) the initial registration fee for a representative is Twenty Dollars ($20.00);

"(4) the annual renewal fee for a representative is Ten Dollars ($10.00)."

Section 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

House Bill No. 533
Education Code, Chapt. 21, Subchapt. Z,
Sec. 21.912; Chapt. 23, Subchapt. B,
Sec. 23.32; Chapt. 20, Subchapt. C,
Sec. 20.51; Sec. 13.042; Sec. 11.33,
Subsecs. (c)(d)(e)(f); Sec. 23.28,
Subsec. (e); Sec. 22.09, Subsec. (c);
Sec. 11.22, Subsecs. (h)(e); Sec. 21.910

EDUCATION CODE - CORRECTIONS

Section 1. Omitted, pertains to Higher Education

Section 2. Subchapter Z, Chapter 21, Texas Education Code, is amended by adding Section 21.912 to read as follows:

"Section 21.912. DUTIES OF PROFESSIONAL EMPLOYEES: LIABILITY. (a) The board of trustees of each school district within this state shall adopt policies specifying the duties of each of its professional positions of employment. The board of trustees shall assign positions of employment earned under the minimum foundation program to meet the specific needs of the district.

"(b) No professional employee of any school district within this state shall be personally liable for any act incident to or within the scope of the duties of his position of employment, and which act involves the exercise of judgment or discretion on the part of the employee, except in circumstances where professional employees use excessive force in the discipline of students or negligence resulting in bodily injury to students.

"(c) This section is not applicable to the operation, use, or maintenance of any motor vehicle.

"(d) 'Professional employee,' as used in this section, includes superintendents, principals, classroom teachers, supervisors, counselors, and any other person whose employment requires certification and an exercise of discretion." (62nd Legislature, Regular Session, Chapter 830.)

Section 3. Subchapter B, Chapter 23, Texas Education Code, is amended by adding Section 23.32 to read as follows:

"Section 23.32. COMBINED OCCUPANCY STRUCTURES IN CERTAIN INDEPENDENT SCHOOL DISTRICTS. (a) The board of trustees of any independent school district having an average daily attendance of more than 100,000 according to the last preceding scholastic census may enter into an agreement with any person, association of persons, firm, or corporation, for the purpose of constructing a combined occupancy structure over any existing or proposed independent school district improvement.

"(b) The board may sell or lease the air rights, condominium property rights or interest, horizontal or vertical stratification rights or interest, or any other possessory right or interest or any combination of the rights or interests, in relation to the existing or proposed improvement.

"(c) The board may require any person, association of persons, firm, or corporation that enters into an agreement with the board pursuant to this section to construct or cause to be constructed any portion of the combined occupancy structure, including that portion which is to be occupied by the independent school district. The portion constructed or caused to be constructed by the person, association of persons, firm, or corporation, shall be constructed in compliance with all terms, conditions, and restrictions imposed by the board. For the purposes of this section, only the board may determine whether the portion of the combined occupancy structure not intended for the occupancy of the independent school district is being constructed or has been constructed in compliance with the terms, conditions, and restrictions imposed.

"(d) If the agreement calls for the board to construct the combined occupancy structure, Section 21.901 of this code and all other applicable laws shall apply to the construction.

"(e) Any portion of the combined occupancy structure which is owned or leased by any person, association of persons, firm, or corporation shall be subject to all applicable state and local taxes, and shall not for any purpose be considered the property of the independent school district.

"(f) Notwithstanding any other provision of this section, the portion of the combined occupancy structure which is occupied and used by the independent school district shall for all purposes be considered the property of the district.

"(g) The board may call an election to authorize the issuance of bonds for the purpose of providing funds to finance the construction of the portion of the combined occupancy structure which the independent school district is obligated by agreement to construct. The board may allocate the income from the sale or lease of property rights as authorized by this section to retire the bonds authorized by this subsection. The bond election and the issuance and sale of the bonds shall be governed by all laws applicable thereto.

"(h) The board shall publish notice of a public hearing concerning the construction of a proposed combined occupancy structure before entering into any agreement for the construction of the structure. Notice of the

hearing shall be published not less than 10 days nor more than 20 days before the hearing in two newspapers having general circulation in the independent school district. The notice of the hearing shall contain a summary of the proposed action of the board." (62nd Legislature, Regular Session, Chapter 945.)

Section 4. Subchapter C, Chapter 20, Texas Education Code, is amended by adding Section 20.51 to read as follows:

"Section 20.51. CERTIFICATES OF INDEBTEDNESS; ISSUANCE BY CERTAIN SCHOOL AND JUNIOR COLLEGE DISTRICTS. (a) Any school district, including a junior college district, situated in a county containing a population of 200,000 or more, according to the last preceding federal census, may issue interest-bearing certificates of indebtedness for the purpose of providing funds for the erection and equipment of school buildings within the boundaries of the district or refinancing outstanding certificates as herein provided. The term 'certificates,' as used in this section, includes all obligations authorized to be issued hereunder, and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended.

"(b) The governing body of the district shall make provision for the payment of the certificates issued under the authority of this section by the appropriation and pledge of local school funds derived and to be derived from maintenance taxes levied and assessed or to be levied and assessed under authority of Sections 20.02 and 130.122 of this code, Chapter 273, Acts of the 53rd Legislature, 1953, as amended (Article 2784g, Vernon's Texas Civil Statutes), or other similar law now in existence or hereinafter enacted which limits the amount of tax which may be levied for maintenance purposes, as distinguished from bond requirements. The appropriation and pledge may be in the nature of a continuing irrevocable pledge to apply the first moneys collected or to be collected annually from the tax levy to the payment of the obligations or by the irrevocable present levy and appropriation of the amount of the maintenance tax as is required to meet the annual debt service requirements of the obligations, in which event the governing body shall covenant to annually set aside the amount in the annual tax levy, showing the same is a portion of the maintenance tax. The governing body shall annually budget the amount required to pay the debt service requirements, principal and interest, of the obligations which may be scheduled to become due in any fiscal year. Nothing herein shall be construed as permitting the levy of a maintenance tax in excess of the amount approved by the resident qualified property taxpaying voters of the district.

"(c) No district at any one time shall have certificates outstanding and unpaid in principal amount in excess of $250,000 unless the excessive amount becomes the obligation of the district by assumption as contemplated by Subsection (k) of this section or the new certificates are being issued to refund or refinance outstanding obligations as contemplated by Subsection (i) of this section.

"(d) The principal amount of certificates which may be authorized at any one time and the scheduling of their principal maturity shall be further restricted as follows:

"(1) where the assessed valuation is more than $1 million and less than $15 million the limiting factor is 25 cents.

"(2) where the assessed valuation is $15 million or more but less than $35 million the limiting factor is 15 cents.

"(3) where the assessed valuation is $35 million or more the limiting factor is 5 cents.

"(e) Assessed valuation means the valuation for school district purposes on the tax rolls of the district last approved prior to the authorization of the certificates. The limiting factor for a particular district, as set forth in the foregoing schedule, shall be multiplied by the assessed valuation of the district and the product shall be the maximum amount of debt service requirements on the certificates which may be scheduled to become due in any fiscal year on a cumulative basis. No district which has an assessed valuation less than $1 million may issue certificates under this section.

"(f) Certificates authorized to be issued hereunder shall be payable at such times, be in such form and denomination or denominations either in coupon form or registered as to principal and interest, either or both, and may contain such options for redemption prior to the scheduled maturity, and be payable at such place or places and contain such other provisions as the governing body of the district may determine, but in no event shall any certificate mature over a period in excess of 25 years from the date thereof, or bear interest at a rate in excess of seven percent per annum.

"(g) Except where issued in exchange for certificates outstanding as provided in Subsection (i), the certificates shall be sold for cash at not less than the face or par value plus accrued interest and the proceeds applied for the purpose for which the same were issued, provided, however, that all accrued interest and premium received, if any, shall be deposited in the interest and sinking fund established for the payment of the obligations. The cost of issuing the obligations, including attorneys', printing, and fiscal fees, may be paid from the proceeds received from the sale thereof, except where such certificates are sold under the provisions of Subsection (i).

"(h) The certificates, including interest thereon whether issued in coupon or registered form, shall be deemed and construed to be a security within the meaning of Chapter 8, dealing with 'Investment Securities,' of the Uniform Commercial Code, and the provisions shall be applicable thereto from and after their approval by the Attorney General of Texas and registration by the comptroller of public accounts.

"(i) Each governing body may refund or refinance outstanding certificates by the issuance of new interest-bearing certificates within the limitations and conditions provided herein. The new certificates shall be issued and delivered in lieu of and upon surrender to the Comptroller of Public Accounts of Texas and the cancellation of the obligations being refunded thereby, and the comptroller shall register the new certificates and deliver them in accordance with the order authorizing their issuance. The new certificates may be issued and delivered in accordance with the provisions of Chapter 503, Acts of the 54th Legislature, 1955, as amended (Article 717k, Vernon's Texas Civil Statutes).

"(j) A certified copy of all proceedings relating to the authorization of the certificates shall be submitted to the Attorney General of Texas and if he finds the certificates to have been authorized in accordance with the provisions of this section, he shall execute a certificate or opinion to that effect which shall be filed in the office of the comptroller of public accounts, who shall register the certificates which shall thereafter be incontestable for any cause.

"(k) Certificates issued under the provisions of this section shall be an indebtedness of the school district issuing them, but the holder thereof shall not have the right to demand payment thereof out of any fund or funds other than those pledged to its payment. In the event the boundary lines of any issuing district are changed while the certificates remain outstanding, the indebtedness shall be adjusted or assumed as provided under general law for the adjustment of bond indebtedness payable from taxation.

"(l) All certificates issued under this section shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees and guardians, and for any sinking funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas. The certificates shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

"(m) For the purpose of this section, the governing body of a common school district shall be the commissioners court of the county having administrative jurisdiction. The governing body of an independent school district, a rural high school district, or a junior college district shall be its duly elected board of trustees, and the governing body of a municipality controlled school district shall be the city or town council or commission. Certificates shall be authorized by order of the governing body of the district.

"(n) The provisions of this section shall be cumulative of existing laws relating to the financing of the cost of erecting and equipping school buildings by school districts, it being the legislative intent that this section shall be complete authority for the issuance, sale, and delivery of certificates by school districts.

"(o) Nothing in this section shall be construed to violate any provision of the federal or state constitutions and all acts done hereunder shall be done in such manner as may conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the district shall have the power by resolution to provide an alternative procedure conformable to the constitutions." (62nd Legislature, Regular Session, Chapter 842.)

Section 5. Section 13.042, Texas Education Code, is amended to read as follows:

"Section 13.042. ISSUANCE OF CERTIFICATES TO APPLICANTS WITH CREDENTIALS FROM OTHER STATES. (a) The commissioner shall issue an appropriate Texas teacher certificate to and upon request of a person holding a valid teaching certificate from another state who desires to teach in Texas, provided the college or university in which the teacher completed the requirements for his certificate is accredited by a recognized accrediting agency as an approved teacher training institution.

"(b) An out-of-state applicant shall take all required courses in Texas history that a Texas teacher certificate requires and shall complete the courses within 12 months of the issuance of the certificate; otherwise, the certificate will be revoked." (62nd Legislature, Regular Session, Chapter 723.)

Section 6. Omitted, pertains to Higher Education

Section 7. Omitted, pertains to Higher Education

Section 8. Omitted, pertains to Higher Education

Section 9. Omitted, pertains to Rehabilitation Commission

Section 10. Omitted, pertains to Rehabilitation Commission

Section 11. Omitted, pertains to Rehabilitation Commission

Section 12. Omitted, pertains to Rehabilitation Commission

Section 13. Subsections (c), (d), (e), and (f), Section 11.33, Texas Education Code, as added by Section 14, Chapter 405, Acts of the 62nd Legislature, Regular Session, 1971, are amended, renumbered, and reenacted to read as follows:

"(d) A program of financial assistance for computer services to school districts of the state through Regional Education Service Centers shall be developed by the State Board of Education to encourage a planned statewide network or system of computer services designed to meet public school educational needs, current and future. Toward achievement of maximum efficiency and to insure a practicable uniformity in services, the State Board of Education, by rules and regulations, shall adopt eligibility requirements for data processing computer services to receive the state financial assistance authorized herein.

"(e) Only computer services that are provided by or through a Regional Education Service Center to make available computer services required to meet the needs of the school districts of one or more Education Service Center regions shall be eligible for financial assistance hereunder.

"(f) The Central Education Agency annually shall approve a state assistance allotment for computer services to be paid to eligible Regional Education Service Centers that qualify, and in an amount to be determined under rules and regulations adopted by the State Board of Education for that purpose; provided that the allotment amounts here authorized to be granted

by the State Board of Education shall not exceed in any year a sum equal to $1 multiplied by the average daily attendance in the public schools of Texas as determined for the next preceding school year.

"(g) The state's share of the cost of this program authorized by Subsections (d), (e), and (f) of this section shall be paid from the Foundation School Fund, and this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes." (62nd Legislature, Regular Session, Chapter 405, Section 14.)

Section 14. Subsection (e), Section 23.28, Texas Education Code, is amended to read as follows:

"(e) This section does not apply to teacher's contracts in those independent school districts which have adopted the provisions of the probationary or continuing contract law as set out in Subchapter C, Chapter 13 of this code."

Section 15. Subsection (c), Section 22.09, Texas Education Code, is amended to read as follows:

"(c) This section is applicable to any common or common consolidated school district which has not adopted the provisions of the continuing contract law as set out in Chapter 13 of this code."

Section 16. Subsection (h), Section 11.22, Texas Education Code, is amended to read as follows:

"(h) At the general election in 1972, and at each general election thereafter immediately following a decennial reapportionment of congressional districts, one member shall be elected to the board from each congressional district. Except as provided in Subsection (i) of this section, members of the board serve staggered terms of six years with the terms of one-third of the members expiring on December 31 of each even-numbered year."

Section 17. Subsection (e), Section 11.22, Texas Education Code, is amended to read as follows:

"(e) Candidates shall be nominated and elected in the manner provided in the Texas Election Code for nomination and election of district officers generally, except as otherwise provided in the Election Code or in this code.

Section 18. Section 21.910, Texas Education Code, entitled "Financial Support for Instructional Television Services," is renumbered as Section 21.911.

Section 19. The following laws are repealed: Chapter 828, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2654h, Vernon's Texas Civil Statutes); Chapter 830, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2780a, Vernon's Texas Civil Statutes); Chapter 945, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2783d-1, Vernon's Texas Civil Statutes); Chapter 842, Acts of the 62nd Legislature, Regular Session, 1971

(Article 2784g-2, Vernon's Texas Civil Statutes); Chapter 723, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2891e, Vernon's Texas Civil Statutes); Chapter 893, Acts of the 62nd Legislature, Regular Session, 1971 (Article 295d, Vernon's Texas Penal Code); Chapter 621, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2908b, Vernon's Texas Civil Statutes); and Subsection (f), Section 11.22, Texas Education Code.

Section 20. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 740
Education Code, Chapt. 13, Sec. 13.905

MATERNITY LEAVE FOR SCHOOL DISTRICT EMPLOYEES

Section 1. Chapter 13, Texas Education Code, is amended by adding Section 13.905 to read as follows:

"Section 13.905. LEAVE OF ABSENCE FOR TEMPORARY DISABILITY.

"(a) Each certified, full-time employee of a school district shall be expected to be given a leave of absence for temporary disability at any time the employee's condition interferes with the performance of regular duties. The contract and/or employment of the employee cannot be terminated by the school district while on a leave of absence for temporary disability. Temporary disability in this Act includes the condition of pregnancy.

"(b) Requests for a leave of absence for temporary disability shall be made to the superintendent of the school district. The request shall be accompanied by a physician's statement confirming inability to work and shall state the date requested by the employee for the leave to begin and the probable date of return as certified by the physician.

"(c) The governing board of a school district may adopt a policy providing for placing an employee on leave of absence for temporary disability if, in their judgment and in consultation with a physician who has performed a thorough medical examination of the employee, the employee's condition interferes with the performance of regular duties. Such a policy shall reserve to the employee the right to present to the governing board of a school district testimony and/or other information relevant to the employee's fitness to continue the performance of regular duties.

"(d) The employee shall notify the superintendent of the desire to return to active duty at least thirty (30) days prior to the expected date of return. The notice shall be accompanied by a physician's statement indicating the employee's physical fitness for the resumption of regular duties.

"(e) An employee returning to active duty after a leave of absence for temporary disability shall be entitled to an assignment at the school where the employee formerly taught, subject to the availability of an appropriate teaching position. In any event, the employee shall be placed on active duty no later than the beginning of the next term.

"(f) The length of a leave of absence for temporary disability shall be granted by the superintendent as required by the individual employee. The governing board of a school district may establish a maximum length for a leave of absence for temproary disability, but in no event shall that maximum be set at less than 180 days.

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

House Bill No. 770
Education Code, Chapt. 20, Sec. 20.51

EDUCATION CODE - INDEPENDENT SCHOOL DISTRICTS - ATHLETIC STADIUM AUTHORITIES

Section 1. Chapter 20 of the Texas Education Code is amended by adding a Section 20.51 to read as follows:

"Section 20.51. (a) Athletic stadium authorities without taxing power may be created as hereinafter provided.

"(b) As used in this section:

"(1) 'District' means any independent school district in this state.

"(2) 'Stadium' means the structural and associated facilities designed for staging and holding athletic contests and other events.

"(3) 'Authority' means an athletic stadium authority created under this Act.

"(4) 'Board' or 'board of directors' means the board of directors of the authority.

"(5) 'Bond resolution' means the resolution authorizing the issuance of revenue bonds.

"(6) 'Trust indenture' means the mortgage, deed of trust, or other instrument pledging revenues of or creating a mortgage lien on properties, or both, to secure the revenue bonds issued by the authority.

"(7) 'Trustee' means the trustee under the trust indenture.

"(c) If the boards of trustees of two districts find that it is to the best interest of the districts to create an athletic stadium authority to include the districts, each board of trustees shall adopt a resolution creating an authority and designating the name by which it shall be known. The authority shall be a body politic and corporate. It shall have a seal, may sue and be sued, and may make, amend, and repeal its bylaws.

"(d) The authority shall be governed by a board of directors consisting of seven members. The members of the board shall serve terms ending May 1, providing the terms do not exceed two years, or until their successors are appointed and qualified. The board of trustees of each district shall each appoint three of the directors, and the appointees shall by majority vote appoint a seventh director.

"(e) The board of directors shall elect from among the directors a president and vice-president, and shall elect a secretary and a treasurer who may or may not be directors, and may elect such other officers as may be authorized by the authority's bylaws. The offices of secretary and treasurer may be combined. The president has the same right to vote on all matters as other members of the board. A majority of the members of the board constitutes a quorum, and when a quorum is present, action may be taken by a majority vote of directors present. The board may employ a manager and such other employees, experts, and agents as it may see fit, but it may delegate to the manager the power to employ and discharge employees. The board may employ legal counsel.

"(f) The authority shall have the power to construct, enlarge, furnish, and equip stadia, purchase existing stadia, furnishings, and equipment for its stadia, and to operate and maintain stadia. A stadium need not be located inside the district or districts.

"(g) The authority may issue revenue bonds to provide funds for any of its purposes The bonds shall be payable from and secured by a pledge of all or any part of the revenue to be derived from the operation of the stadium or stadia and any other revenues resulting from the ownership of stadium properties. The bonds may be additionally secured by a mortgage or deed of trust on property of the authority.

"(h) The bonds shall be authorized by resolution adopted by a majority vote of quorum of the board of directors, and shall be signed by the president or vice-president and countersigned by the secretary, or either or both of their facsimile signatures may be printed thereon. The seal of the authority

shall be impressed or printed thereon. The bonds shall mature serially or otherwise in not to exceed 40 years. The bonds may be registrable as to principal, or as to both principal and interest. Appropriate provisions may be inserted in the resolution authorizing the execution and delivery of bonds for the conversion of registered bonds into bearer bonds and vice versa. Provisions may be made in the bond resolution or trust indenture for the substitution of new bonds for those lost or mutilated. When bonds shall have once been approved by the attorney general and registered by the comptroller as prescribed in Subsection (1) of this section, it shall not be necessary to obtain the approval of the attorney general or registration by the comptroller as to such converted or substituted bonds.

"(i) All bonds issued pursuant to this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking fund of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their face value, when accompanied by all unmatured coupons appurtenant thereto.

"(j) Bonds constituting a junior lien on the revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture.

"(k) (1) Any district, acting by and through its board of trustees, is authorized to enter into a contract with any athletic stadium authority organized under this section for the use of any stadium or stadia owned by any that entity. Such contract may be for any period, not exceeding 75 years, and may contain such terms and conditions as may be agreed on between the parties.

"(2) The district may enter into a contract for the use of the stadium or stadia for any purpose related to sports activities and other physical education programs for the students at the public free schools operated and maintained by the district.

"(3) The consideration payable by the district under a contract may be paid from any source available to the district; and if voted, the district is authorized to pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all or part of the consideration. If so voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to independent school districts for other maintenance taxes. No maintenance tax shall be pledged to the payment of any contract or assessed, levied, or collected unless an election is held by and in the district, and the maintenance tax for that purpose is duly and favorably voted by a majority of the resident, qualified electors of the district who own taxable property therein and who have duly rendered the property for taxation, voting

at the election. Each election shall be called by order of the board of trustees of the district. The election order shall set forth the date of the election, the proposition to be submitted and voted on, the polling place or places, and any other matters deemed advisable by the board of trustees. Notice of election shall be given by publishing a substantial copy of the order calling the election one time, at least 10 days prior to the election, in a newspaper of general circulation in the district. Except as herein otherwise specifically provided, the election shall be held in accordance with the Texas Election Code.

"(l) Bonds issued under this section and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this section and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by the Comptroller of Public Accounts of the State of Texas, who shall certify such registration thereon. Thereafter they shall be incontestable.

"(m) It is the duty of the board of directors to charge sufficient rates for services rendered by the stadium or stadia and to utilize other sources of its revenues so that revenues will be produced sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the stadium or stadia, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds as provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures under or in accordance with which the stadium or stadia shall be operated.

"(n) The authority may select a depository or depositories according to the procedures provided by law for the selection of independent school district depositories.

"(o) Recognizing the fact that the property owned by authority will be held for public purposes only and will be devoted exclusively to the use and benefit of the public, it shall be exempt from taxation of every character.

"(p) For the purpose of carrying out any power conferred by this section, the authority shall have the right to acquire the fee simple title to land and other property and easements by condemnation in the manner provided by Title 52, Revised Civil Statutes, as amended, relating to eminent domain. The authority is declared to be a municipal corporation within the meaning of Article 3268 of Title 52. The amount of and character or interest in land, other property, and easements thus to be acquired shall be determined by the board of directors.

"(q) In addition to other powers, the authority has the right to invest the proceeds of its bonds, until such money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States government, to the extent authorized in the bond resolution or trust indenture or in both.

"(r) The board of directors is authorized to accept donations, gifts, and endowments to be held and administered as may be required by the respec-

tive donors, to the extent that such requirements would not contravene law."

Section 2. The provisions of this Act are severable. If any word, phrase, clause, paragraph, sentence, section, part, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid; and the legislature hereby declares that the Act would have been enacted without such invalid or unconstitutional word, phrase, clause,paragraph, sentence, section, part, or provision.

Section 3. The urgent need for jointly used and operated stadia for athletic contests and other events creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: May 18, 1973

House Bill No. 787
Education Code, Sec. 16.04

AGE LIMITS FOR FOUNDATION SCHOOL BENEFITS (KINDERGARTEN)

Section 1. Amend Section 16.04 of the Texas Education Code (1971) to read as follows:

"Section 16.04. Program Eligibility. (a) Beginning with the scholastic year 1973-74, any child in this state over 5 and under 21 years of age at the beginning of the scholastic year, who has not yet graduated from high school shall be entitled to the benefits of the Basic Foundation School Program for the ensuing school year. Such eligible child shall be admitted tuition-free to the public school of the district in which he, his parents or legal guardian resides.

"(b) Notwithstanding the provisions of Subsection (a) of this section, the program of preschool education shall be extended first to 'educationally handicapped' children as preparation for the regular school program in which such children will participate in subsequent years. For purposes of this section, a child is 'educationally handicapped' if he cannot speak, read, and comprehend the English language or if he is from a family whose income, according to standards promulgated by the State Board of Education, is at or below a subsistence level. The program shall include an appreciation for the cultural and familial traditions of the child's parents and also an awareness and appreciation of the broader world in which the child must live; assist the child in developing appropriate language skills; prepare the child

to participate in the world of his peers and the broader cultural stream into which he will progressively move as he matures; begin the development of the mental and physical skills and cooperative attitudes needed for adequate performance in a school setting; and begin the development of his unique character and personality traits.

"(c) The benefits of this program for preschool education may be extended on a first priority basis to 'educationally handicapped' children on a full day program school year basis.

"(d) Provided, however, for the school years beginning 1973-74, and through 1976-77 inclusive, a public school kindergarten program shall be offered on a one-half day basis for all other eligible children who become five (5) years of age on or before September 1 of the scholastic year. Such kindergarten program(s) shall be operated on a one-half day basis for Foundation School Program unit eligibility allotment purposes beginning the school year 1973-74, Provided further that any school district may choose to operate a full day program for the first half of the school year for one-half, approximately, of its kindergarten children and operate a full day program the latter half of such year for the remainder of its kindergarten children.

"(e) Beginning with the school year 1977-1978 and thereafter, school districts may choose to operate kindergartens on a full day basis for Foundation School Program unit allotment eligibility purposes. Provided further that any school district may choose to operate a full day program for all its kindergarten children for one semester only.

"(f) A scholastic is a student in average daily attendance within the age limits prescribed in this section."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 15, 1973

House Bill No. 849
Education Code, Chapt. 21, Subchapt. M, Secs. 21.481 - 21.490

PROTECTION OF SCHOOL DISTRICT PROPERTY

Section 1. Chapter 21, Education Code, is amended by adding Subchapter M to read as follows:

"SUBCHAPTER M. PROTECTION OF BUILDINGS

AND GROUNDS

"Section 21.481. APPLICABILITY OF CRIMINAL LAWS. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the board of trustees of any school district in this state.

"Section 21.482. RULES AND REGULATIONS; PENALTY. (a) The board of trustees of any school district may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the school, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other school property under its control, including but not limited to the following:

"(1) limiting the rate of speed;

"(2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;

"(3) prohibiting parking as it deems necessary;

"(4) removing vehicles parked in violation of board rules and regulations or law at the expense of the violator;

"(5) instituting a system of registration for vehicle identification, including a reasonable charge.

"(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than $200. (V.A.C.S. Art. 2919j, Sec. 2.)

"Section 21.483. CAMPUS SECURITY PERSONNEL. The board of trustees of any school district may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and if the board of trustees authorizes any officer to bear arms then they must commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the district or otherwise in the performance of his duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the board of trustees, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Commission on Law Enforcement Officer Standards and Education within one year of his commission, or his commission shall automatically expire.

"Section 21.484. TRESPASS, DAMAGE, ETC. It is unlawful for any person to trespass on the grounds of any school district of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any school district.

"Section 21.485. PARKING; BLOCKING OR IMPEDING TRAFFIC. It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a school district of this state except in the manner designated by the district and in the spaces marked and designated by the board of trustees, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter.

"Section 21.486. PARKING AND TRAFFIC TICKETS; SUMMONS; ARREST WARRANTS. In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants.

"Section 21.487. VEHICLE IDENTIFICATION INSIGNIA. Each school district may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any school property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed.

"Section 21.488. COURTS HAVING JURISDICTION. The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of school district is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of $200.

"Section 21.489. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. The board of trustees of a school district or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property.

"Section 21.490. ENFORCEMENT OF RULES AND REGULATIONS. Notwithstanding any of the provisions of this subchapter, all officers commissioned by the board of trustees of a school district may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each district to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the

right of separate jurisdiction relating to the conduct of its students and personnel."

Section 2. Nothing in this Act shall apply to school districts in counties with a population of less than 1,300,000.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 865
Art. 6701d

SAFETY EQUIPMENT ON SCHOOL BUSES

Section 1. Section 105, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) Every school bus shall be equipped with convex mirrors or other devices which enable the driver to have a clear view of the area immediately in front of the vehicle that would otherwise be hidden from his view."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

House Bill No. 998
Art. 6701d

MOTOR VEHICLES - INSPECTION STATIONS - APPOINTMENT OF VEHICLE MAINTENANCE FACILITIES

Section 1. Section 141, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Department may appoint as official inspection stations, for the limited purpose of inspecting vehicles owned by political subdivisions and agencies of the state, vehicle maintenance facilities owned and operated by the political subdivisions or agencies. The political subdivisions and agencies may not be required to pay the vehicle-inspection fee provided for in Subsection (d) of this section, but shall pay to the Department an advance payment of fifty cents (50¢) for each inspection certificate issued to it. The funds received by the Department shall be placed in the Motor Vehicle Inspection Fund for the purpose of paying the expense of the administration of this Act. Inspection stations appointed under this subsection must satisfy all requirements set forth in Section 140, 141, and 142 of this Act except the provisions relating to the fee and bond contained in Subsections (a) and (b) of this section. No officer, employee, or inspector of any political subdivision or agency shall place or cause to be placed any inspection certificate received from the Department under the provisions of this subsection on any vehicle other than vehicle owned by the political subdivision or agency."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 1022
Education Code, Sec. 3.25, Subsec. (b)

TEACHER RETIREMENT PRIOR SERVICE CREDIT

Section 1. Subsection (b), Section 3.25, Texas Education Code, is amended to read as follows:

"(b) Any person who terminates or has terminated membership in the retirement system by withdrawal of deposits or by absence from service shall have the privilege of reinstating such terminated membership by rendering service for five subsequent consecutive creditable years or seven subsequent creditable years within any ten-year period and depositing the amount withdrawn plus membership fees for the years during which membership was terminated plus a reinstatement fee of two and one-half percent per annum from the date of withdrawal to date of redeposit. The reinstatement fee shall be credited to the state contribution account."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 11, 1973

House Bill No. 1072
Art. 2784g-2

SCHOOL BUILDING CERTIFICATES OF INDEBTEDNESS

Section 1. Section 1, Chapter 842, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2784g-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) Any school district, including a junior college district, may issue interest bearing Certificates of Indebtedness for the purpose of (1) providing funds for the erection and equipment of school buildings within the boundaries of the district, (2) refinancing outstanding certificates as herein provided, or (3) purchasing sites for the future construction of public school facilities. The term certificates, as used in this Act, shall include all obligations authorized to be issued hereunder and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 16, 1973

House Bill No. 1118
Education Code, Chapt. 21, Subchapt. D,
Sec. 21.1031

EDUCATION CODE - COURSES OF STUDY - FREE ENTERPRISE SYSTEM

Section 1. Chapter 21, Subchapter D of the Texas Education Code, as amended, is amended by adding a new Section 21.1031 to read as follows:

"21.1031. INSTRUCTION IN FREE ENTERPRISE SYSTEM. (a) All public high schools shall give instruction on the essentials and benefits of the free enterprise system. Instruction shall be given in accordance with the course of study prescribed by the State Board of Education for at least one semester or quarter, equal to one-half unit of credit. The State Board of Education shall prescribe suitable teaching material for the instruction.

"(b) As used in this section 'free enterprise' means an economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decision rather than by state control, and by prices, production, and the distribution of goods that are determined in a free manner."

Section 2. This Act applies beginning with the 1974-75 school year.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 1145
Education Code, Sec. 17.52,
Subsec. (a)

PAY OF CERTAIN ASSISTANT COUNTY SUPERINTENDENTS

Section 1. Subsection (a), Section 17.52, Texas Education Code, as amended, is amended to read as follows:

"(a) The office budget for an appointive or elective county superintendent may include the following items:

"(1) Employment of a competent assistant with approval and confirmation of the county school trustees or county board of education. In counties with a total population equaling or fewer than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed $7,200. In counties with a total population greater than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed $7,700.

"(2) Employment of one other assistant or assistants as may be necessary, provided that the total sum of all salaries of one other assistant or assistants to the county superintendent does not exceed annually $13,800 in counties having a total population equaling or fewer than 100,000, nor $14,300 in counties having a total population greater than 100,000."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

House Bill No. 1162
Education Code, Sec. 16.56
Subsec. (h)

TRANSPORTATION COSTS FOR CERTAIN STUDENTS

Section 1. Section 16.56, Texas Education Code, as amended, is amended by adding Subsection (h) to read as follows:

"(h) The cost of transporting vocational education students from one campus to another within a district or from a sending district to an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency shall be reimbursed based on the number of actual miles traveled times the district's official extracurricular travel per mile rate as set by their local board of trustees and approved by the Central Education Agency."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and ot is so enacted.

Effective: June 15, 1973

House Bill No. 1289
Art. 7150

TAXATION - EXEMPTIONS - MUSEUMS, GALLERIES AND SCHOOLS

Section 1. Subdivision 14 of Article 7150, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"14. Art Galleries, etc. There are exempted from taxation all property belonging to Art Leagues, Societies of Fine Arts, and Art Museums, whether incorporated or not, which are devoted wholly and without charges (except in those cases in which charges are necessary in order to pay the cost and expense of special exhibits, projects and showings, which special charges are hereby authorized) to the promotion of education and learning; including Art Galleries and exhibits therein contained, the land upon which the same are situated, which is devoted exclusively to such purposes, and also all land, money, pictures and other works of art and all other personal property which may be necessary and in actual use for the purpose of carrying out said educational feature."

Section 2. Section 22a, Article 7150, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 22a. All real and personal property owned by non-profit corporations (as defined in the Texas Non-Profit Corporation Act) which property is reasonably necessary for, and used for, the promotion of any of the following purposes shall be exempt from all ad valorem taxation:

"(1) Libraries and archival institutions;

"(2) Zoos;

"(3) Restoration and preservation of historic houses, structures and landmarks;

"(4) Symphony orchestras, choirs, and chorals;

"(5) Theaters of the dramatic arts, historical pageants;

"(6) Ecological laboratories used solely by public and private colleges and universities within this State;

"(7) Museums or galleries and museum schools maintained and operated in connection therewith."

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: May 14, 1973

House Bill No. 1387
Art. 6687b

STANDARDS FOR SCHOOL BUS DRIVERS

Section 1. Subsection (a), Section 5, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. (a) No person who is under the age of eighteen (18) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor until he has been licensed as a chauffeur. It shall be unlawful for any person to be employed to drive a motor vehicle while in use as a school bus for the transportation of pupils who has not undergone a physical examination which reveals his physical and mental capabilities to safely operate a school bus. Such physical examinations shall be conducted annually for each driver, thereafter. A pre-employment driver license check shall have been made with the Texas Department of Public Safety prior to the employment and the person's driving record must be acceptable according to standards developed jointly by the Central Education Agency and the Texas Department of Public Safety. Effective at such date and under provisions as may be determined by the Central Education Agency, the driver of a school bus shall have in possession a certificate stating he is enrolled in, or has completed, a driver training course in school bus safety education, which course has been approved jointly by the Central Education Agency and the Texas Department of Public Safety. The bus driving certificate shall remain valid for a period of three years. It shall be unlawful for any person presently employed as a school bus driver to continue to drive a school bus who does not obtain a physical examination prior to the beginning of the 1973-74 school year and whose driver's license check has not been made by his employer prior to the 1973-74 school year. Such physical and driver's license examinations shall meet the criteria set forth in this Act."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: August 27, 1973

H. C. R. No. 77

HOUSE CONCURRENT RESOLUTION NO. 77

WHEREAS, Texas is a national leader in industrialization and business growth and has, over the past five years, maintained a growing business and industrial economy; and

WHEREAS, In order to keep abreast of the changing labor market demands brought about by a growing business and industrial economy as well as a changing technology, the present method of allocating program resources for vocational education to school districts should be modified to include industrial arts, business education, and other occupational courses that would encourage earlier development of career awareness exploration and occupational skill development; and

WHEREAS, Vocational education is currently serving over a quarter of a million students, primarily in the secondary grades (10, 11, and 12); and

WHEREAS, The Legislature of the State of Texas wishes to declare a legislative priority for the coordination, growth, and development of all occupational education courses and technology courses as a continuing learning experience available to students in all the secondary grades, including junior high school; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 63rd Legislature request the State Board of Education to give special attention to revising the board's rules and regulations and to implementing and expanding vocational education programs in the public schools of the State of Texas so that these career awareness exploration and occupational skill development experiences are made available to all secondary and junior high school students; and, be it further

RESOLVED, That the State Board of Education develop a plan to introduce these programs gradually into the public schools of Texas beginning with grades seven and eight and continuing gradual introduction until all high school grades have been included.

H. C. R. No. 127

HOUSE CONCURRENT RESOLUTION NO. 127

WHEREAS, The State of Texas is one of the largest purchasers of textbooks in the world; and

WHEREAS, The state cost for textbooks for the 1972-73 school year is estimated to be $29,427,829, or approximately $10.91 per scholastic; and

WHEREAS, Many innovations have been made in the publishing business in recent years, including new methods and materials which may be utilized in binding books; and

WHEREAS, The state must continually reevaluate its purchasing practices to insure that the best value is obtained for each dollar spent; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the State Board of Education and the State Textbook Committee be requested to explore with publishers of textbooks ways and means of reducing the cost of textbooks purchased by the state without sacrificing quality; and, be it further

RESOLVED, That the State Board of Education and the State Textbook Committee consider the feasibility of purchasing textbooks with durable flexible bindings instead of the traditional hard bindings; and, be it further

RESOLVED, That the State Board and the committee also consider the financial implications of requiring all textbooks to be of a uniform size, particularly with reference to the effect which uniformity of size would have on the cost of shipping and shelving textbooks; and, be it further

RESOLVED, That the State Board of Education and the State Textbook Committee complete this study and report findings and recommendations, including drafts of any legislation that may be proposed, to the 64th Legislature convening in January 1975.

ADDENDUM

BULLETIN 737

Senate Bill No. 393
Education Code, Sec. 3.56,
Subsec. (d)

TEACHER RETIREMENT SYSTEM - EXPENSE ACCOUNT TRANSFERS

Section 1. Subsection (d) of Section 3.56 of the Texas Education Code is hereby amended to read as follows:

"(d) The State Board of Trustees* by resolution recorded in its minutes shall transfer to the expense account from the interest account an amount necessary to cover the expenses as estimated for the year including the expense of servicing mortgages insured by the Federal Housing Administration under the National Housing Act."

Section 2. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

Section 3. The crowded condition of the calendars creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

Effective: May 7, 1973

* State Board of Trustees of the Teacher Retirement System

Senate Bill No. 803
Education Code, Sec. 11.10,
Subsecs. (n-u)

DAY SCHOOLS FOR DEAF - REGIONAL PROGRAMS

Section 1. Section 11.10, Texas Education Code, as amended, is amended by adding Subsections (n) through (u) to read as follows:

"(n) The legislature by the addition of this and the following subsections to this Section 11.10, Texas Education Code, intends to continue a process of providing better education available to deaf children on a statewide basis in Texas, and to afford all deaf children an opportunity for achievement more equal to their peers with normal hearing.

"(o) To carry out legislative intent and the objectives of subsections (n) and the following subsections of this Section 11.10, the Central Education Agency shall employ a Director of Deaf Education (at a salary not exceeding $30,000) with the responsibility to develop and administer a comprehensive statewide plan for deaf education services including continuing diagnosis and evaluation, counseling and teaching, and designed to accomplish the following objectives:

"(1) Assisting and counseling parents of children of any age whose hearing is determined by professionally acceptable evaluation to be nonfunctional for education purposes, such assistance and counseling to be provided in each of the regional day school programs for the deaf hereinbelow authorized, and admitting all children between the ages of three and 21 whose hearing is determined by professionally acceptable evaluation to be nonfunctional for educational purposes to the regional day school programs for the deaf; and

"(2) Enabling a majority or as many as may be practicable of deaf children to reside with their parents or guardians and be afforded compensatory education in their home school districts or in facilities of regional day school programs for the deaf; and

"(3) Enabling deaf children who are unable to attend schools at their place of residence and whose parents or guardians live too far from facilities of regional day school programs for the deaf for daily commuting or to be accomodated five nights a week in foster homes or other residential school facilities provided for by the Central Education Agency in order that such children may attend a regional day school program for the deaf; and

"(4) Enrolling children in the Texas School for the Deaf at Austin or any other educational facility for the deaf upon the joint recommendations of the Director of Deaf Education, the superintendent of the child's regional day school program for the deaf, and the Superintendent of the Texas School for the Deaf at Austin, admitting to the Texas School for the Deaf only those children whose needs can best be met in that institution, designating the Texas School for the Deaf as the principal regional school for the central region of the state and Superintendent of the Texas School for the Deaf as the superintendent of the central region; and

"(5) Encouraging children enrolled in regional day school programs for the deaf who have demonstrated ability to do so to return to regular school classes on a part-time, full-time or trial basis. Supplemental aid from the regional day school program for the deaf shall be made available to such children; and

"(6) Recognizing the need for development of oral communications abilities in deaf children and the ability of many to achieve high educational excellence through that method, but also recognizing the inability of some to gain their education successfully by this means, the comprehensive plan developed by the Central Education Agency will call for the use of methods of communication which will best meet the needs of each individual deaf child in this state, with each child to be examined thoroughly so as to ascertain his potential for communications through oral means. The state director and regional superintendents may establish separate programs to accomodate diverse communication methodologies.

"(p) The Central Education Agency shall apportion the state into not more than eight nor less than five areas each furnishing a regional day school program for the deaf. Geographic areas of each regional day school program for the deaf may be revised by the Central Education Agency for betterment of education for the deaf. Activities of a regional day school program for the deaf may be conducted on more than one site.

"(q) The Central Education Agency shall employ a superintendent for each regional day school program for the deaf. These superintendents shall be responsible to the Director of Deaf Education of the Central Education Agency.

"It is the intent of the legislature that local resources be utilized to the fullest practicable extent in the establishment and operation of the regional day school programs for the deaf. Regional superintendents are authorized and expected to contract with any qualified public or private organization or qualified individuals for diagnostic evaluation and instructional services or any other services incidental to the education of deaf children, including transportation and/or maintenance.

"Upon the recommendation of regional superintendents of the regional day school programs for the deaf the Central Education Agency shall employ educational and other personnel, may purchase or lease real or personal property, may accept gifts or grants of real or personal property or services from any source, public or private, including independent school districts and any institution of higher learning in this state, for the purpose of establishing and operating regional day school programs for the deaf.

"The Central Education Agency may provide by rule or regulation that upon establishment of each regional school the countywide school(s) in that region shall become a part of the regional school operation and that all equipment, classroom supplies, and other personal property owned by the countywide schools shall become the property of the regional day school. When any such programs are combined, the directors and employees of the former countywide schools shall be employed in appropriate, substantially similar capacities within the regional day school program for that region.

"(r) Costs of operation of the regional day school programs for the deaf shall be borne by the state and paid from the Foundation School Program Fund. Such costs shall be considered and included by the Foundation School Fund Budget Committee in estimating the needs for purposes of the Foundation School Program and the regional day school programs for the deaf. However,

funds allocated to countywide schools shall remain so allocated except in those regions in which the countywide program has been made a part of the appropriate region, as aforesaid. Funds specially appropriated to the regional day school program by the General Appropriations Act of the 63rd Legislature, or any substitute therefor, shall be used so as to implement as completely as may be possible the provisions of this Act during the next biennium and in accordance with a budget of expenditures approved by the State Board of Education with the first funds, however, hereby required to be expended for staffing and planning of the regional day school program. Such funds may be used in conjunction with funds from the Foundation School Program Fund in accordance with rules and regulations adopted by the Central Education Agency, the allocation and reallocation of which is hereby authorized. While the principal cost of educating deaf children shall be borne by the state, independent school districts and all institutions of higher learning in the state are hereby authorized and encouraged to make available real or personal property or services in cooperation with the regional day school programs for the deaf for any activities related to education and betterment of education of deaf children including but not limited to research and personnel training and development. It is the intent of the legislature in enacting this subsection that the use of all of the educational resources of this state be maximized to carry out the intent and objectives of this Act.

"(s) Operating costs for the program in each regional day school program for the deaf shall be determined and paid on the following basis:

"(1) An estimated allocation of $2,700 for each student enrolled in the program of the regional day school program for the deaf in any current year.

"(2) Considering that the professional leadership represented in the new positions of Director of Deaf Education and regional superintendents is vital to the effect of this Act, salaries for these positions shall permit recruitment and retention of properly qualified persons.

"(3) Teachers, principals, supervisors, counselors, para-professional and supporting personnel shall be employed in such numbers as the Central Education Agency finds to be necessary to establish and operate the regional day school programs for the deaf, and such numbers shall not be less than student-professional ratios known to be requisite for success in education of deaf children. Salaries of all personnel employed in the regional day school programs for the deaf shall be determined in accordance with policies established by the State Board of Education, but in no case shall such salaries be less than salaries paid for comparable positions in any school district comprising any part of the geographic area of the regional day school program for the deaf.

"(t) To assure effective implementation of this Act the Central Education Agency shall upon the passage of this Act institute planning and research designed to accomplish the intent and objectives set forth herein including employment of the Director of Deaf Education and other personnel considered essential to meet the operational date specified for this Act.

"(u) The regional day school programs for the deaf shall commence operation to the fullest extent possible on September 1, 1974."

Section 2. The imperative need to make available better education for deaf children in this state, and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is suspended, and this Act shall be in force and take effect according to its terms, and it is so enacted.

Effective: August 27, 1973

Senate Bill No. 900
Education Code, Sec. 16.76,
Subsec. (b)

FOUNDATION SCHOOL PROGRAM - STATE UNIVERSITY-OWNED LAND - TEXAS TECH

Section 1. Subsection (b), Section 16.76, Texas Education Code, as amended, is amended to read as follows:

"(b) In any district containing state university-owned land, state-owned prison land, land in one or more parcels comprising a total area in excess of 7,000 acres used for municipal cooling lakes in the generation of electricity in counties having a population of more than 700,000 according to the last preceding federal census, federal-owned forestry land, federal-owned reservoirs, federal-owned recreation areas, federal-owned military reservations, or federal-owned Indian reservations, the amount assigned to a school district shall be reduced in the proportion that the area included in the above named classification bears to the total area of the district. For purposes hereof, state university-owned land is defined to mean and include also state-owned land located in Brazos County and devoted to the use of Texas A & M University, land owned by East Texas State University in Hunt County, land owned by Pan American University, and land owned by Texas Tech University in Carson County."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 12, 1973

House Bill No. 1286
Education Code, Sec. 16.76,
Subsec. (b)

FOUNDATION SCHOOL PROGRAM - STATE UNIVERSITY-OWNED LAND - MCLENNAN COUNTY LAND USED BY TEXAS TECHNICAL INSTITUTE

Section 1. Subsection (b), Section 16.76, Texas Education Code, is amended to read as follows:

"(b) In any district containing state university-owned land, state-owned prison land, land in one or more parcels comprising a total area in excess of 7,000 acres used for municipal cooling lakes in the generation of electricity in counties having a population of more than 700,000 according to the last preceding federal census, federal-owned forestry land, federal owned reservoirs federal-owned recreation areas, federal-owned military reservations, or federal-owned Indian reservations, the amount assigned to a school district shall be reduced in the proportion that the area included in the above named classification bears to the total area of the district. For purposes hereof, state university owned land is defined to mean and include also state owned land located in Brazos County and devoted to the use of Texas A & M University, land owned by East Texas State University in Hunt County, land owned by Pan American University, and land located in McLennan County and devoted to the use of Texas State Technical Institute."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 12, 1973

House Bill No. 1444
Education Code, Sec. 12.03,
Subsec. (a)

TEXTBOOKS - BLIND AND VISUALLY HANDICAPPED - FEDERAL FUNDS - PRIVATE SCHOOLS

Section 1. Subsection (a), Section 12.03, Texas Education Code, is amended to read as follows:

"(a) The State Board of Education is authorized to acquire, purchase, and contract for, with or without bids, subject to rules and regulations adopted by the Board, free textbooks recommended as suitable and usable as textbooks for the education of the blind and visually handicapped scholastics in the public school systems of this state in grades one to twelve inclusive. The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to Public Law 922, 84th Congress, or as amended, for use by students enrolled in public or private non-profit schools. The agreements may include the purchase of textbooks for blind and visually handicapped students attending private, non-profit schools if no state funds except for administrative cost are involved."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Effective: June 14, 1973

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